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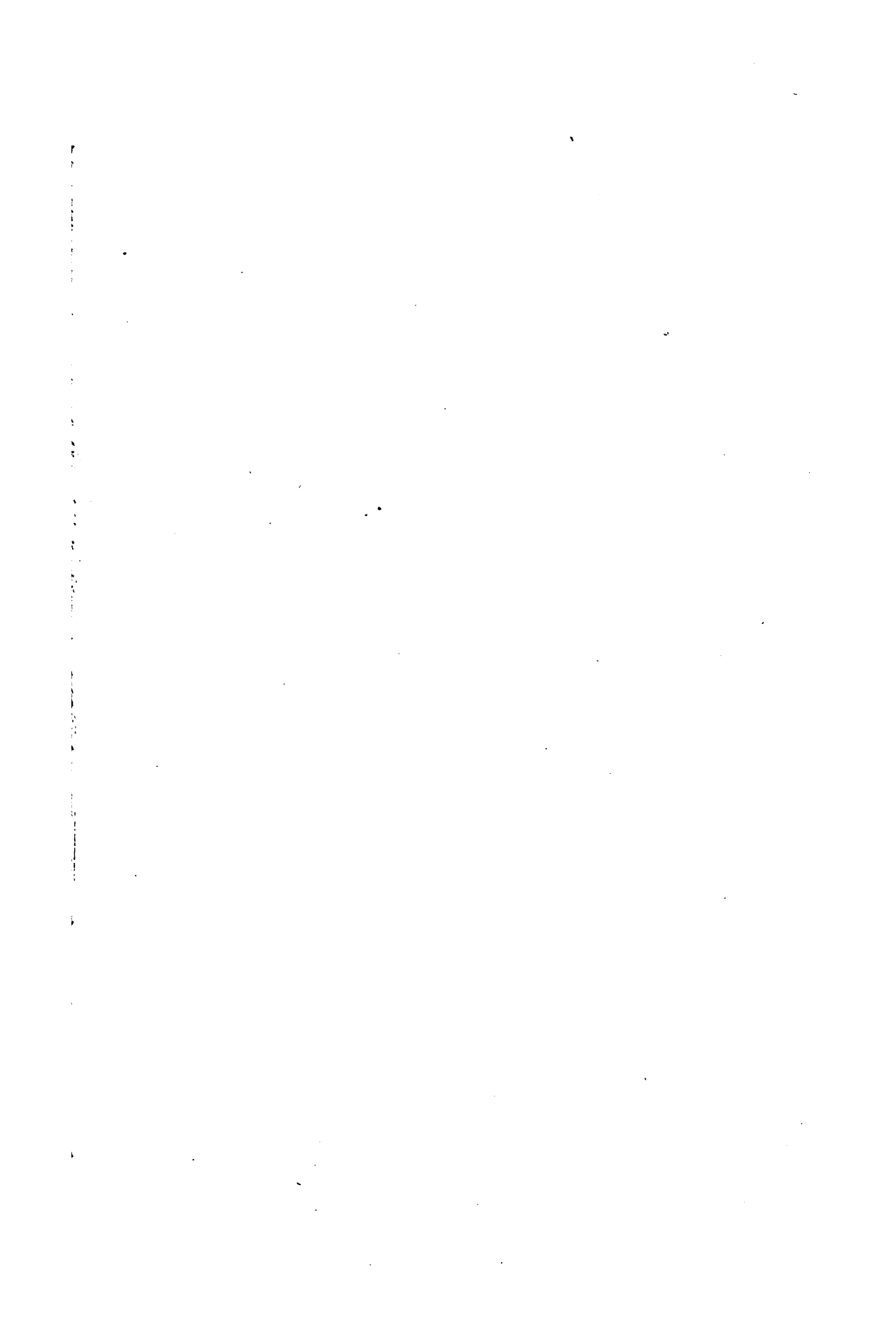


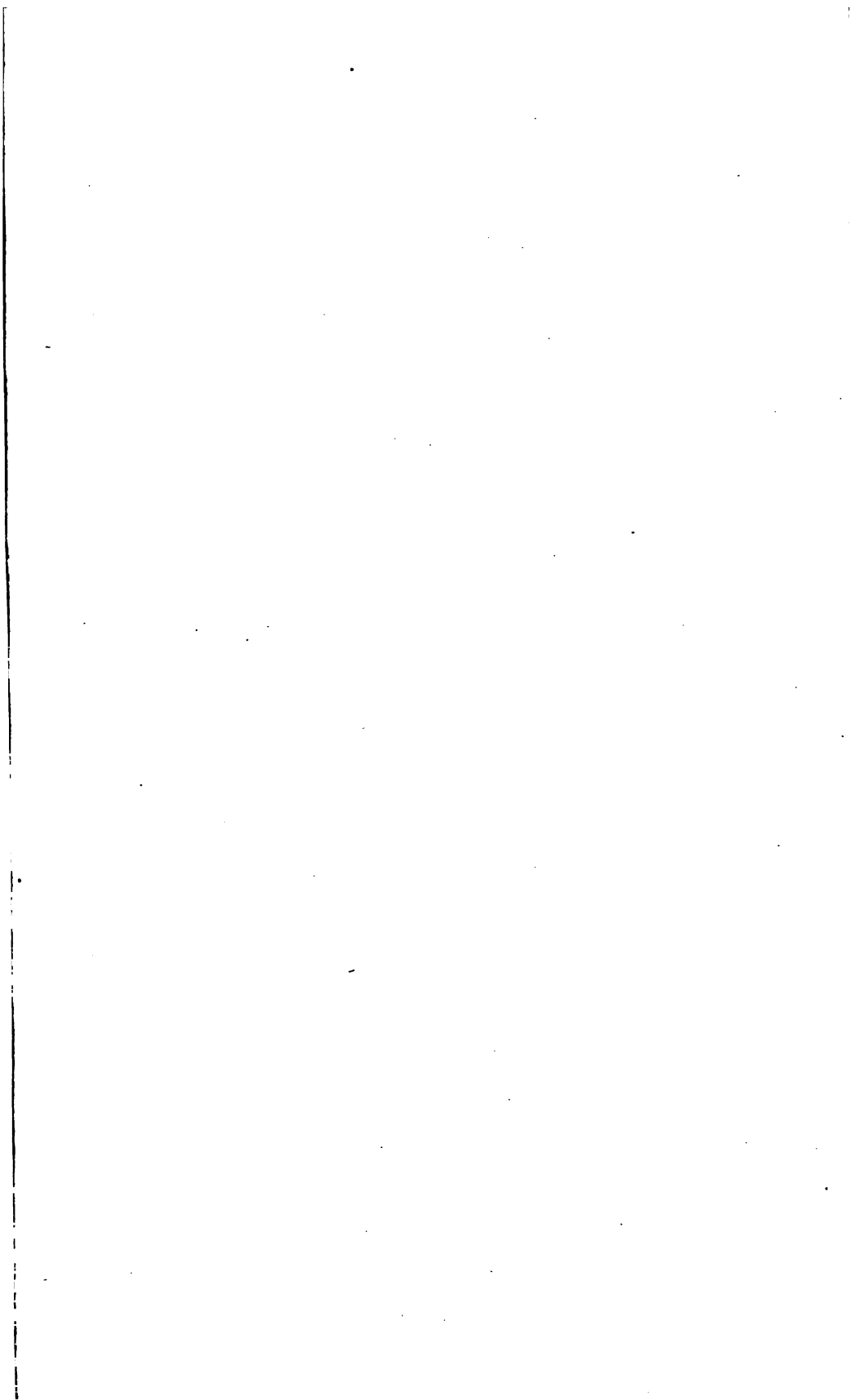


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1917





PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA

HEARING

642
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U. S. Congress House

BEFORE

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

SECOND SESSION

ON

S. 1082

TO PREVENT THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA,
AND FOR OTHER PURPOSES

FEBRUARY 6, 1917

PART 1



HV 5090
JLH
1917

COMMITTEE ON THE DISTRICT OF COLUMBIA.

HOUSE OF REPRESENTATIVES.

SIXTY-FOURTH CONGRESS.

BEN JOHNSON, Kentucky, *Chairman*.

WYATT AIKEN, South Carolina.	EMMETT WILSON, Florida.
ROBERT CROSSER, Ohio.	BENJAMIN C. HILLIARD, Colorado.
JAMES T. LLOYD, Missouri.	WILLIAM J. CARY, Wisconsin.
JAMES A. HAMILL, New Jersey.	CARL E. MAPES, Michigan.
CHARLES O. LOBECK, Nebraska.	BENJAMIN K. FOCHT, Pennsylvania.
MICHAEL E. BURKE, Wisconsin.	LOREN E. WHEELER, Illinois.
J. WILLARD RAGSDALE, South Carolina.	GEORGE P. DARROW, Pennsylvania.
CARL VINSON, Georgia.	P. DAVIS OAKLEY, Connecticut.
PETER J. DOOLING, New York.	NORMAN J. GOULD, New York.
WARREN WORTH BAILEY, Pennsylvania.	GEORGE HOLDEN TINKHAM, Massachusetts.

SAM W. ESKEW, *Clerk*.

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PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC
LIQUORS IN THE DISTRICT OF COLUMBIA.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C., Tuesday, February 6, 1917.

The committee met at 10 o'clock a. m., Hon. Ben Johnson (chairman) presiding.

Mr. JOHNSON. The committee will please come to order.

Gentlemen of the committee, the committee has met to-day for the purpose of considering Senate bill 1082, generally known as the prohibition bill for the District of Columbia. What is the pleasure of the committee now?

Mr. MAPES. I wonder if it would be possible, Mr. Chairman, to get the two sides on this question, the proponents and the other side, to agree on the length of the hearings—to have them limited in some way?

Mr. JOHNSON. I have no idea, myself.

Mr. BARKLEY. Mr. Chairman, speaking for the proponents of the bill, I desire to say that we wish to expedite this hearing as much as is possible, because time is an important factor, as we all know, under the conditions that exist in this session of Congress, and I think we only want about three hours to make our opening statements as proponents of the bill, and, if the committee desires, we can cut that down to two hours and complete our opening statements to-day; but if the committee desires to sit longer than that to-day, we will be glad for the opponents of the bill to start as soon as we conclude. I have been informed that there are some here to-day who desire to go ahead, who wish to oppose the bill or make certain representations concerning it. We are at the service of the committee. We do not want to prolong our part of it long to-day, and did not intend to; but if the committee desires to sit long enough for us to conclude our statements and to begin with the others, we will be very glad indeed to have that done.

Mr. JOHNSON. Do I understand that you want to go ahead this morning?

Mr. BARKLEY. We are ready to go ahead. We understood last week that the committee desired the proponents of the bill to make an opening statement regarding it.

Mr. JOHNSON. If there is no objection, you can go ahead.

Mr. MAPES. How would it be to have an understanding to give each side one day to present the case?

Mr. LLOYD. Mr. Chairman, that is hardly fair, because the proponents of this bill ask for one hour or two hours. The members of the committee may take up more than two hours in cross-questioning them, and probably will. They do not take that into account when they make that statement. I do not think there is any disposition on the part of either side, from what I have heard about it, to lengthen

this debate, and I think the proponents ought to have such time as they want, and then the opposition ought to have the same time, whatever it is, and I think the opposition will be willing to accept that proposition.

Mr. WHEELER. I do think, Mr. Chairman, that there ought to be a full committee here. This is an important proposition.

Mr. JOHNSON. We have never found a way to have a full committee.

Mr. VINSON. We have pretty nearly a full committee now.

Mr. WHEELER. No; we have not. We have only eight or nine members. It seems to me that members of this committee ought to attend on measures before this committee that are important.

Mr. LLOYD. There are 11 members here this morning.

Mr. WHEELER. Very well. There were only eight here a few minutes ago.

Mr. MAPES. I think what Mr. Lloyd says would be very true if this was on some bill we did not understand the principles of; but the session is so short and everybody has got more or less of an understanding of what this bill is, and it looks to me as though if we would limit the hearings to some extent, and if we had an understanding this morning—

Mr. WHEELER. We do not have to decide that this morning.

Mr. LLOYD. Let us go ahead this morning.

Mr. WHEELER. We could give these people an opportunity to go ahead now, and if there is anything to discuss, discuss it when they are not here.

Mr. MAPES. If the proponents of the measure go ahead for two hours and the opponents for two hours, it will take two or three days.

Mr. BURKE. What is the harm if it does take two or three days? We are entitled to know not only what is in the bill, but what the people in the District care to present to us.

Mr. COLUMBUS. Speaking for those who desire a referendum on this matter, I want to say that there will probably be a large number of people who want to be heard. Our people would appreciate it very much if we could have some definite time, so that men would not have to hang around here—and ladies, too, I might say—would not have to hang around all day long. I was called on by the chairman of the board of trade committee—the board of trade has named a committee to appear before your committee, and they directed me to ask—the chairman of that committee asked me to ask—that a time be set aside for that committee to speak. The chamber of commerce and the Retail Merchants' Association and many other organizations have interested themselves in this matter, and they would all want time to speak on this.

Mr. VINSON. How much time will it take to present their views, in your opinion?

Mr. COLUMBUS. I do not know.

Mr. VINSON. Approximately?

Mr. COLUMBUS. I could not even approximate it.

Mr. VINSON. How many organizations wish to be heard?

Mr. COLUMBUS. There are about 11, I think; and of course, then, there is the individual in the community who should have his say.

Mr. VINSON. Are you speaking for the individual; or, you are speaking for the city through this organization, are you not?

Mr. COLUMBUS. Yes.

Mr. VINSON. Then, it is not necessary for all the individuals who are interested in the referendum phase to be heard?

Mr. COLUMBUS. Yes; but I take it that representative citizens and large taxpayers, and so forth——

Mr. VINSON. That is whom you are speaking for.

Mr. COLUMBUS. Yes.

Mr. VINSON. Large taxpayers and representative citizens.

Mr. COLUMBUS. Yes.

Mr. VINSON. And those who may not be considered by your organization as representative citizens.

Mr. COLUMBUS. Yes.

Mr. VINSON. Now, approximately, how much time will your organization want? What I am trying to get at is, how much time you will want before us.

Mr. COLUMBUS. Another one is coming later on, and I would imagine that collectively they would require about three hours—those three.

Mr. VINSON. That is, the board of trade?

Mr. COLUMBUS. No; that is just for the opening.

Mr. VINSON. Individuals?

Mr. COLUMBUS. Yes. If we had some idea how long the committee would sit each day, so that we might have our part of it and parcel out the time, for instance, I would call on Mr. Smith and ask him how much time he would take.

Mr. JOHNSON. I think it is impossible for the committee to determine in advance how long it will sit, any day. For instance, if the Post Office appropriation bill should come up in the House at this time, I believe every Member would want to be there, and would be there.

Mr. BURKE. That comes up Thursday by agreement.

Mr. VINSON. There are certain phases of the naval appropriation bill which every Member wants to be on the floor and vote in regard to.

Mr. BURKE. I think, Mr. Chairman, we ought to adhere to our customary rule until after the naval and Army appropriation bills have been disposed of.

Mr. VINSON. We have gotten permission from the House to sit while the House is in session.

Mr. BURKE. I know, but there are things in each of those bills that many of us are interested in.

Mr. EDWARD W. OYSTER. Mr. Chairman, I am here representing a large number of members of organized labor who have designated me to represent them and present their side of the case to this committee in favor of the Sheppard bill, and we probably will have somewhere near a thousand signers to a petition from members of the labor organizations, and they have designated me to come here; but so far as we are concerned we would be perfectly willing to have this bill reported out today, with or without a favorable report. We do not care; we want to get it before the House and we are willing to take our chances with the bill. But if the hearing is to go on, then this body of men that I represent desires to be heard, but we do not propose to select 40 or 50 out of the organization, or out of that number, to come here to take up the time of the committee. Mr. Chairman, in my judgment this question is thoroughly understood. We do not need any hearing. But we ask to be heard if the hearing is to go on.

Mr. LLOYD. One thing we ought to do, we ought to have our determination in executive meeting as to what we are to do, and we ought to allow these proponents of the measure to go on. My candid judgment is that we should allow Mr. Barkley to go on now and make his statement.

Mr. JOHNSON. I want to say to the committee that it is a piece of thoughtlessness on my part in not having the preliminary meeting an executive one of the committee, but before I thought of that the room was full of people, and therefore anything that the committee might have desired to consider in executive session has been rendered impossible; and it occurs to me that, having gone as far as we have gone, it would be well enough for Mr. Barkley to go ahead.

Mr. COLUMBUS. Mr. Chairman, would it be possible that those who are appearing for the referendum should be heard to-day, or any part of them?

Mr. JOHNSON. You see that the Chair can not answer that question, because thus far we have been unable to arrive at any sort of conclusion; and, besides that, the Chair can not control the matter. The manner in which they are to be heard is to be controlled entirely by the committee. Everything is in the hands of the committee.

Mr. COLUMBUS. The only reason I asked that is that three of our speakers who are here have engagements in court to-day, one of them a lady and two of them gentlemen.

Mr. JOHNSON. Well, as I said, nobody can answer your question; but if you want simply a guess, I would guess that you could not be heard to-day.

Mr. LLOYD. I think it can be understood without fail that they can not be heard to-day.

Mr. MAPES. It will be understood that they will take it up to-morrow morning at 10 o'clock.

Mr. LLOYD. The other people may not be through to-morrow morning.

Mr. WHEELER. I move that we adjourn as usual at 10 minutes to 11 o'clock to-day, to go in the House.

(The motion was seconded.)

Mr. JOHNSON. Preliminary to that, all the members of the committee may not know it, but I have been quite ill with grippe and tonsillitis, and I am still suffering from the effects of it, and it will be impossible for me to sit continuously with the committee during the hearings. I want to say that in the beginning so that if I find it is necessary on account of my physical condition to retire at times, it will be understood.

Mr. VINSON. There was a second to the motion.

Mr. JOHNSON. The question is on the motion of Mr. Wheeler, that the committee adjourn to-day at 10 minutes of 11 o'clock.

Mr. BURKE. Is not that the standing rule of the committee?

Mr. VINSON. We have gotten permission from the House to sit during sessions of the House.

Mr. JOHNSON. It might be well for the Chair to explain the situation. At the beginning of the last session of Congress the committee adopted a rule that the committee should, without motion, stand adjourned at 10 minutes before the meeting of the House. Since then the committee has been granted leave by the House to sit during sessions of the House; but the other resolution, the one to which I

have just referred, requiring the committee to stand adjourned at 10 minutes of 11 o'clock, has not been repealed, so that is the rule of the committee until repealed.

Mr. WHEELER. Yes; all right.

Mr. HILLIARD. I move, then, that during these hearings we do not observe that rule.

Mr. MAPES. I second that motion.

Mr. WHEELER. I withdraw my motion if it is not in order.

Mr. JOHNSON. Your motion is in order.

Mr. MAPES. I support Mr. Hilliard's motion.

Mr. JOHNSON. The motion, then, is made to repeal or suspend, in so far as these hearings are concerned, that order of the committee to adjourn every day before the House meets.

Mr. BURKE. Mr. Chairman, I move an amendment to that motion, adding the words that after the naval and Army appropriations have been passed by the House, then the rule is to be suspended.

Mr. HILLIARD. Mr. Chairman, my motion has been seconded.

Mr. HAMILL. I second the amendment.

Mr. VINSON. What is the use of the committee going into this discussion of the time. If there is any necessity we can adjourn and meet at any time.

Mr. BURKE. That is true, but the members of this committee are entitled to know what the rule is, so that they can measure their time accurately.

Mr. VINSON. I call for the regular order, Mr. Chairman.

Mr. JOHNSON. The motion made by Mr. Hilliard is that the rule of the committee to adjourn 10 minutes before the House meets on every day be suspended during these hearings on this bill, 1082. Mr. Burke offers, as an amendment to that, that the rule be not suspended until after the military and naval appropriation bills are disposed of by the House. Is that correct?

Mr. WHEELER. Yes.

Mr. CARY. Mr. Chairman, I fail to see why we should take this action. Just because this happens to be a prohibition proposition is no reason why we should change the rules of this committee in this case any more than we did in the case of the telephone hearings, and I make the motion to lay that on the table.

Mr. LLOYD. To lay what on the table?

Mr. CARY. To lay both motions on the table.

Mr. WILSON. I second the motion.

Mr. JOHNSON. The chair has stated the proposition.

Mr. HILLIARD. If I may make one further observation, of course I appreciate the importance of the bill, to which Mr. Burke refers; but we can see at a glance that if we adjourn here every morning at 10 minutes to 11 or at 10 minutes to 12, whichever is the hour of the meeting of the House, we will never conclude these hearings. Under an ironclad rule that we adjourn at 10 minutes of 11 or 10 minutes of 12 if that happens to be the hour, it simply means that we will string this along forever. I think we ought to have a reasonable hearing, and then vote our convictions and do what we want to do.

Mr. CARY. Mr. Chairman——

Mr. BURKE. The military and naval bills will not be long in the House.

Mr. VINSON. They have not been reported to the House.

Mr. BURKE. It seems to me the naval bill is to be reported to-day.

Mr. HILLIARD. We may have Navy and Army bills all the rest of the session.

Mr. CARY. What is the regular order, Mr. Chairman, now?

Mr. JOHNSON. The regular order is to vote upon your motion.

Mr. VINSON. That is, to table these motions.

Mr. MAPES. That motion is not debatable.

Mr. LOBECK. Mr. Chairman, I want to ask a question, for information. I have not been able to be present at the meetings of the committee lately.

Mr. JOHNSON. Yes; I know that you have been ill.

Mr. LOBECK. How often does the committee meet?

Mr. JOHNSON. The committee meets every day, or it can meet every day, or once a month, or twice a day.

Mr. LOBECK. I did not know but you had taken some action about that. I just wanted to know. That is all.

Mr. JOHNSON. In order that the committee may understand just what they are voting on, the chair will restate the proposition.

Mr. Hilliard has moved that the rule be suspended as to having the committee adjourn 10 minutes before the House meets every day. To that Mr. Burke moved an amendment, that that be not done until after the naval and military appropriation bills have been disposed of by the House. Then Mr. Cary moved to lay the motion upon the table. If Mr. Hilliard's motion is laid upon the table, then Mr. Burke's proposed amendment goes with it.

Mr. MAPES. That would be the regular order?

Mr. JOHNSON. Yes.

(The motion was put by the chairman.)

Mr. JOHNSON. The noes seem to have it. Those who favor the motion will hold up their hands, please, and be counted.

Mr. VINSON. Mr. Chairman, I ask for a roll call.

Mr. JOHNSON. The clerk will call the roll.

(The roll was called by the clerk.)

Mr. JOHNSON. Just here, I will say that Mr. Tinkham asked me to call the attention of the committee—

Mr. LLOYD. Just a moment, Mr. Chairman.

Mr. JOHNSON. I will let Mr. Lloyd make a statement.

Mr. LLOYD. Mr. Tinkham, of Massachusetts, found it necessary to go home on an important business matter, and he came to me and asked me if I would pair with him on all votes affecting this question here. I said, "Are you going home?" He said, "yes." "Is it necessary for you to go home?" He said, "It is very necessary, personally." He said, "I am not going unless I have a pair in the matter." I said, "If you are not going to stay, I will pair with you, but with the distinct understanding that all my votes are dry votes." He would stay here, you know, unless somebody paired with him; and with that distinct understanding he went away; with the understanding also as to what the vote should be, on every proposition that comes up, that I vote with the dries. On every proposition that comes up he votes with the wets. So I withdraw my vote.

Mr. JOHNSON. The clerk will announce the result of the vote.

The CLERK OF THE COMMITTEE. With Mr. Lloyd withdrawing his vote, there would be 7 noes and 9 yeas, and 1 answering "present."

Mr. LLOYD. I answered present.

Mr. JOHNSON. The motion is carried.

Mr. WHEELER. I move that we hear Judge Barkley now.

Mr. MAPES. I move that we have an understanding to-morrow before we start in.

Mr. CARY. I move, Mr. Chairman, if we are to take up any more matters of that kind, that we go into executive session.

Mr. JOHNSON. There is no objection to a motion of that kind.

Mr. CARY. I mean any motion, no matter what it is.

Mr. WHEELER. There are a number of people here who want to be heard: There is no opportunity for them to be heard to-day, and I suggest that they be excused, with the exception of Judge Barkley. I presume it will take you 30 minutes to make your opening statement, will it not?

Mr. BARKLEY. I can not say just how long it will take me.

Mr. WHEELER. It seems to me folly to keep these other gentlemen here now, after this motion has prevailed.

Mr. VINSON. I move that Judge Barkley be permitted to speak.

Mr. MAPES. I move that when the committee adjourns to-day, it adjourn to meet at 10 o'clock to-morrow morning.

Mr. CARY. Mr. Chairman, if the gentleman insists on that motion, I make a motion that we go into executive session.

Mr. JOHNSON. These things are entitled to be considered in executive session, and as the chair explained in the beginning, it was an oversight on his part that we did not go into executive session before actually beginning the hearing, and the chair is only endeavoring now to ascertain the will of the committee.

Mr. MAPES. I will withdraw my motion, and I would like to ask the chairman this question: If we run up to 10 minutes of 11 o'clock and somebody raises the question of adjournment, when do we adjourn to?

Mr. CARY. We can take that up——

Mr. JOHNSON. If it is——

Mr. RAGSDALE. May I interrupt you just a moment, Mr. Chairman?

Mr. JOHNSON. I would like to answer this question. If there was any doubt—if we should adjourn leaving a doubt—as to when we should meet, I would call the committee together to meet at 10 o'clock to-morrow morning again.

Mr. MAPES. Very well.

Mr. RAGSDALE. Mr. Chairman, I suggest that it is not very pleasant and that it is not very healthy for all these people to be in a room like this, and I do not think we can go far. Can we not get one of the larger rooms in the building?

Mr. JOHNSON. There is but one larger room, and that is pre-empted; and then, besides that, I could not go there in my physical condition, because yesterday members of the committee who were there had to wear their overcoats and overshoes.

Mr. MAPES. How about the room of the Judiciary Committee, right across the hall? Can we not get that?

Mr. HILLIARD. Let us not take up any time now with these matters, but go ahead with the hearing.

Mr. VINSON. Let Judge Barkley go ahead.

Mr. BARKLEY. I do not know how much time I have. My watch says it is now 10.30.

Mr. JOHNSON. Proceed.

STATEMENT OF HON. ALBEN W. BARKLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY.

Mr. BARKLEY. Mr. Chairman, I of course regret that it has been impossible to fix some time at which these hearings may be closed, so that the matter may be expedited as much as possible, looking toward some report upon this bill that will enable the House to cast its vote upon it, but I realize as a member of a committee of the House myself that these matters are all in the control of the committee, and I desire, however, in the outset to express the hope that the committee will see fit to hold hearings every day until the hearings are concluded, and I would be very glad indeed if this committee should see fit to hold these hearings during the sessions of the House.

I realize, as we all do, that at this particular time we are all interested in problems that affect the national defense, and I would not, of course, ask or suggest that any member of the committee would neglect those matters; but I desire to impress upon the committee as earnestly as I may the desire to secure action on this bill. I do not ask, and I shall not ask, any member of the committee, and I should not expect any member of the committee to forego any of his opinions held strongly upon any phase of this question, because I realize that it is a question upon which there are many divergent opinions, and I would not presume to suggest to any member of the committee that he ought to change, or that I would be able to change, his views as to the merits of the bill itself as it is now written, or as to the merits of any particular phase that may come into it during the hearings or during the consideration. But I do insist and suggest that on account of the conditions surrounding legislation of this sort, and on account of the fact that the bill has overwhelmingly passed the Senate, and on account of the further fact that I am able to state that large numbers of Members of the House desire and expect to be given an opportunity to vote upon this bill during the present session, the committee ought, in all good conscience and fairness, to give the House that opportunity to vote in some form or other before the session has closed.

Now, it has been suggested that during the time that has been allotted to me—

Mr. HAMILL. Mr. Barkley, I want to ask you a question. If I take up your time I am going to ask that you be given time to-morrow. In view of the fact that this is a very important matter, as every one concedes, would not the holding of meetings day after day for a long time conduce not to delay, but rather to deliberation? It would let the committee and Congress and the public, all three of whom are interested in the measure, have time to look at it carefully and to pass judgment on it.

Mr. BARKLEY. I would say this, that I do not think that meeting at 10 o'clock and adjourning at 10 minutes to 11 would facilitate the expedition—

Mr. HAMILL. No; it would not conduce to expedition, but it would conduce to careful deliberation on the matter.

Mr. BARKLEY. I think this is a matter upon which most of the Members have carefully deliberated already, and if the committee

would complete the hearings as soon as possible and get it before the House so that the House itself might begin to deliberate, and the individual Members begin, I think that would facilitate the matter considerably.

It has been suggested that I explain briefly the terms of this bill, and I do not desire to take up unduly the time of the committee in doing that. I presume that each member of the committee has read the bill. Possibly I would expedite matters by reading the first section. It is as follows:

That on and after the first day of November, anno Domini nineteen hundred and seventeen, no person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, directly or indirectly, shall, in the District of Columbia, manufacture for sale or gift, sell, offer for sale, keep for sale, traffic in, barter, export, ship out of the District of Columbia, or exchange for goods or merchandise, or solicit or receive orders for the purchase of, any alcoholic or other prohibited liquors for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

That simply prevents the manufacture in the District of Columbia, or the sale in the District of Columbia, or the exportation into the District of Columbia, or importation into or exportation out of the District of Columbia, or the keeping in possession of any association of men or any individuals or their agents, of alcoholic liquors within the terms of the bill, for sale, or barter, or the taking of orders for any such liquors in the District of Columbia to be shipped out for beverage purposes. The terms of that paragraph are plain, and I presume need no detailed explanation.

Mr. LLOYD. The exceptions there allow it to be sold for nearly every purpose except beverage purposes?

Mr. BARKLEY. The exceptions are medicinal, pharmaceutical—the bill regulates that in a further provision—mechanical and scientific purposes. It permits liquors to be shipped in, manufactured, or sold under the restrictions provided in the bill for these four purposes.

The second paragraph of section 1 defines what alcoholic liquors are within the meaning of the bill, and says that the term shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol, all malt liquors, and all other alcoholic liquors, and then it provides—

Mr. LLOYD. Is there anything there that defines what a cordial is?

Mr. BARKLEY. A cordial?

Mr. LLOYD. Yes; or how much alcohol there must be in a substance to make it alcoholic?

Mr. BARKLEY. No; the bill provides that compounds and compositions that are sold by licensed druggists that are licensed under the bill shall be of such a nature as to be unfit for beverage consumption, in order that they may sell them, but it does not fix the percentage of alcohol as an arbitrary rule by which it is to be determined.

Mr. LLOYD. Then is any kind of cordial to be prohibited from sale?

Mr. BARKLEY. No; it would not be prohibited from sale unless it was so compounded as to make it suitable for beverage purposes.

Mr. FOCHT. Suitable; you mean, so as to intoxicate you.

Mr. BARKLEY. Not necessarily. It might not intoxicate you at first, but I mean to be used for a beverage, for the purposes of intoxication; even slight intoxication.

Mr. FOCHT. Stimulation?

Mr. BARKLEY. Stimulation.

Mr. CARY. That does not include Coca Cola, though?

Mr. BARKLEY. No; I think not.

Mr. HAMILL. Mr. Barkley, let me ask you this question, because I think it is important. That does not prevent a person, say, from having liquor in his home?

Mr. BARKLEY. No.

Mr. HAMILL. Suppose you have a company to dinner, and you serve liquor; suppose you serve wine; is it forbidden under section 1 of this act?

Mr. BARKLEY. The bill prevents the keeping of liquor on hand, or having it on hand, for the purpose of selling it or giving it away.

Mr. HAMILL. That would be prohibited by the provisions of section 1?

Mr. BARKLEY. I think the strict construction of that is that you would not be permitted to have it on hand or give it away?

Mr. HAMILL. I do not care anything about it personally, but that would be prohibited?

Mr. BARKLEY. Yes; I think it would, under the bill.

Mr. LLOYD. That is not the construction of the wording in Missouri. Have you examined the statutes on that?

Mr. BARKLEY. I have not examined the Missouri statutes.

Mr. LLOYD. Giving it away is construed as referring to its disposition. Having it on the table is construed as only individual use, personal use.

Mr. BARKLEY. The bill does not prevent the personal use of liquor. It is not intended to prevent that.

Mr. LLOYD. I feel very sure that the courts would say—in fact, that decision I am familiar with—that the provision as to giving it away would not prevent the individual from having wine on his own table.

Mr. BARKLEY. Possibly the court might so construe it here in the District of Columbia, but I will say if the language of the bill is followed strictly to the letter, it would prevent it.

Mr. BAILEY. Is it the purpose of the bill to limit the individual's liberty to have liquor on his own premises for his own use?

Mr. BARKLEY. It is not.

Mr. HAMILL. Can you keep a bottle in your own house for your own use, if you want to?

Mr. BARKLEY. You can.

Mr. HAMILL. That is allowed under this bill?

Mr. BARKLEY. Yes. In other words, it is not prohibited.

Mr. HAMILL. I see what you mean. It is allowed, then, under the other existing laws, or comes under the operation of the other laws?

Mr. BARKLEY. In the absence of a law prohibiting it, it will be permitted.

Mr. HAMILL. But if a friend came in you could not offer him a drink? I am asking for information.

Mr. BARKLEY. That is the construction of the matter which may be eventually given in the courts.

Mr. HAMILL. What is your opinion?

Mr. BARKLEY. I will read the section.

Mr. HAMILL. I have read it. My opinion is that it does prohibit that. I want to know if you concur in or agree with that opinion.

Mr. BARKLEY. If the court should hold that the word "give" meant to pass it to a friend in your own home, it would of course prohibit it.

Mr. RAGSDALE. Do you not think that the terms of the act expressly prohibit that construction? It says, "shall, in the District of Columbia, manufacture for sale or gift."

Mr. BARKLEY. Yes.

Mr. RAGSDALE. Now, suppose a man does not manufacture it. Then, of course, we come to the next section, "import for sale or gift."

Mr. BARKLEY. Yes.

Mr. RAGSDALE. Where is any limitation other than where the purpose of importing or the purpose of manufacturing for that purpose is present? Suppose a man under the terms of this bill, for instance, imports a certain amount of whisky for his own use in his own home. Now, that is permitted. Having acquired possession of it in his own home for his use personally, for himself, where is there any limitation in this bill on him giving it to anyone he pleases in his own home, the purpose of the importation being for his own use?

Mr. BARKLEY. The court might construe it——

Mr. RAGSDALE. No; I am not talking about the court. I am talking about your judgment. You are a lawyer, and have been on the bench.

Mr. BARKLEY. Yes. The substance of the bill being the importation of alcoholic liquors for gift would bring the man who brought it into the District for the purpose of giving it away within the law; but if a man brought a quart of whisky into the District and had it in his home——

Mr. RAGSDALE. Yes.

Mr. BARKLEY (continuing). And without any previous intention he gave a friend a drink who happened to come into the house, unless it could be shown that he had it on his premises and kept it for the purpose of giving it to his friends, I doubt seriously whether he could be held guilty and convicted under the law.

Mr. HAMILL. Suppose he does not use it himself, but he has it in his possession and he has it for nothing else but to give it to his friends who call on him, how would you construe that?

Mr. BARKLEY. If he imported it into the District for the purpose of giving it away——

Mr. HAMILL. Suppose that he had it in his home so that when anybody would call he could give it to them? Consider that situation.

Mr. BARKLEY. That is a situation that would possibly seldom arise, but I do not believe that the court would construe that as making him guilty under the law.

Mr. HAMILL. I suppose that he would be in the same position as many a man who does not smoke and yet buys cigars and keeps them to give them to his friends.

Mr. BARKLEY. Oh, well, that is a presumption that does not exist.

Mr. HAMILL. Now, what would be your idea on that situation? You see, I am not trying to harass you with questions, but I want to get your opinion on the various conditions that would arise where it would be applied.

Mr. BARKLEY. So far as the law is concerned as it now is, the Jones-Works excise bill which was passed three or four years ago

regulates to some extent the matter which is in the gentleman's mind; but so far as the courts are concerned, of course if the same provision of law was interpreted as to cigars as it would be interpreted as to liquor the fact that it was cigars would not make any difference in the intention of the legislative body to include such an interpretation in the application of the law.

The second section of the bill is the one which permits the manufacture and importation and exportation of certain alcohols for purposes permitted in the bill, to wit, medicinal and pharmaceutical, scientific, and sacramental purposes, and it goes on to say that it shall be done under certain restrictions that are provided for in other sections of the bill.

Mr. HAMILL. What is ethyl alcohol, do you know—just for information?

Mr. BARKLEY. Ethyl alcohol is alcohol which has in it the properties of making intoxicating liquor. Ethyl alcohol, as I understand it, is the alcohol which is distilled from various vegetable matters out of which—which may be used as the basis for the manufacture of intoxicating liquors.

Mr. HAMILL. Is there any alcohol which will not intoxicate?

Mr. BARKLEY. There is alcohol which can not be used in the manufacture—

Mr. HAMILL. That is, the idea of intoxication is associated with it? That is why I asked you?

Mr. BARKLEY. There is alcohol that can not be used in the manufacture of whisky or distilled spirits.

Mr. HAMILL. On account of its being impure, or something like that?

Mr. BARKLEY. Denatured alcohol can not be used for that

Mr. JOHNSON. If the gentleman will permit, if I am correctly advised, ethyl alcohol as used in the bill and as used commercially means that out of a possible 200 points there are 194.9 alcohol, and the remaining 5.1 points something else than alcohol; usually water.

Mr. HAMILL. Yes.

Mr. JOHNSON. In commercial alcohol at 194.9 proof, the fusel oil and various ethers and acids have been extracted. Now, whisky at 100 proof is 50 per cent alcohol and 50 per cent of fusel oil and various ethers and acids, and water.

Mr. BARKLEY. Section 2a of the bill is the one that provides that all railroad companies, steamboat companies, and other transportation companies shall keep a record of all the shipments of liquor into and out of the District, and provides penalties for the companies or for their agents, employees, or servants failing to do that, and requires the companies to designate some one of their employees whose duty it is to keep this record, and punishes them for failing to do so. The object of that, of course, is to keep trace of any violations of the law against the exportation or the importation of liquor, and this record must show to whom the liquor is sent, from whom it is sent, the person who receives it, and the quantity, the kind, and so on.

The bill also sets out a form of affidavit that is also required to accompany these shipments and fixes a penalty of not less than \$25 nor more than \$100 fine for every day or portion thereof during which such failure shall continue, and also states that no railroad company or other transportation company shall receive any such package of

liquor without having attached to it the affidavit of the consignee stating the amount of the liquors, the kinds of liquors ordered, and that it is not purchased for nor will be used for any illegal purpose as defined in the bill.

Mr. JOHNSON. Mr. Barkley, it is 9 minutes of 11 o'clock.

Mr. VINSON. Mr. Chairman, I give notice now that it will be impossible for me to be here in the morning. I have another committee meeting.

Mr. JOHNSON. There is one other thing I would like to invite attention to, and that is that it is a rule of the committee that nobody—absolutely nobody—revise his remarks, but that they go into the record, as I said upon a previous occasion, "warts, wrinkles, and all."

Mr. MAPES. Mr. Chairman, I do not care to press the point this morning, but I want to call the attention of the committee to the minutes of the meeting of the committee with reference to this matter of adjournment. The minutes state that a motion was made and unanimously adopted that the hour for the adjournment of its meeting be 11.50 o'clock a. m. That is the only action that this committee has ever taken about making an adjournment.

Mr. JOHNSON. Then, upon the minutes as read, the chairman finds that he was mistaken in stating that the committee must adjourn 10 minutes before the House meets. The action of the committee was that the committee should adjourn 10 minutes before 12 o'clock.

Mr. CARY. The intent was, as the House was then meeting at 12 o'clock, that we should adjourn 10 minutes before the meeting of the House.

Mr. BURKE. That action was taken so that we might reach the House at the opening.

Mr. JOHNSON. It was so intended, and that intention has been followed; but we have the record staring us in the face, which shows that the time fixed for adjournment was 10 minutes before 12 o'clock.

Mr. RAGSDALE. Aside from that, the record is immaterial, because under the rules of the House we can not continue to sit after the House meets.

Mr. VINSON. Oh, we have the permission of the House.

Mr. RAGSDALE. We have?

Mr. VINSON. We got permission to sit during sessions of the House, while the telephone hearings were going on. The chairman asked for unanimous permission of the House to sit during sessions of the House, and it was granted.

Mr. LLOYD. I move that we adjourn to meet to-morrow morning at 10 o'clock.

Mr. MAPES. I second the motion.

Mr. JOHNSON. Is there objection?

Mr. HILLIARD. I object.

(The question was taken and the motion was agreed to, and at 11 o'clock a. m., the committee adjourned until to-morrow, Wednesday, February 7, 1917, at 10 o'clock a. m.)

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA

HEARING

BEFORE

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

SECOND SESSION

ON

S. 1082

**TO PREVENT THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA,
AND FOR OTHER PURPOSES**

FEBRUARY 7, 1917

PART 2



WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Wednesday, February 7, 1917.

The committee met at 10 o'clock a. m., Hon. Ben Johnson (chairman) presiding.

Mr. JOHNSON. I wish to insert in the record a telegram signed by Joseph Dehan, New York City, and say that the committee has authorized the chairman of the committee to notify Mr. Dehan that anyone whom they will send here before the hearings close will be heard by the committee.

The telegram referred to is as follows:

NEW YORK, N. Y., *February 6, 1917.*

HON. BEN JOHNSON,
Chairman District of Columbia Committee, House of Representatives,
Washington, D. C.

As representative of Cigar Makers' International Union of America, of which Mr. G. W. Perkins is president, and representing the interests of all the men and women in the cigar industry, together with others, we desire to enter protest against prohibition bill now before your committee being reported or enacted; we insist upon having opportunity of being heard to maintain our opposition. It is impossible for us to attend the hearing on Tuesday, but will come to Washington in the course of a few days to appear before your committee; we entertain in our industry, who are so vitally interested in the pending bill, shall not be denied the right to be heard.

JOSEPH DEHAN,
953 Third Avenue, New York City.

Mr. JOHNSON. Mr. Barkley, you may proceed.

STATEMENT OF HON. ALBEN W. BARKLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY—Resumed.

Mr. BARKLEY. Mr. Chairman and gentlemen of the committee, I am going to prefer a request which I hope the committee will accede to unless it is necessary to do otherwise. I think that in the interest of an intelligent and consecutive statement of the matter on my part I would prefer to be permitted to conclude a consecutive statement concerning the bill before interruptions are made, unless it is just a case where it can not be put off, because I desire to make the statement as clear as I can, and also not waste any time.

On yesterday, Mr. Chairman, I had taken up the first two or three sections of this bill so as to give the committee an idea of its provisions. In order that I may put in the record a consecutive statement about it I shall start over again at the beginning of the bill and just briefly resume what I said yesterday.

The first section prohibits the manufacture and the importation, or exportation, or the sale of intoxicating liquors, and prevents their importation or manufacture for either sale or gift, and provides a description of what is meant by alcoholic liquors within the meaning of the terms of the bill, and then provides a penalty for a violation of the act. The first section of the bill is the section upon which all other sections center, because it is the first section which prescribes the meat of the prohibition which is provided in the bill and the penalties which are inflicted for a violation of the law.

Most of the other sections are sections prescribing how the law may be enforced, how it may be complied with, and throwing safeguards around the community with respect to its violation, and also its permissions.

The second section of the bill provides that it shall not be construed to prevent the manufacture, importation, exportation, or sale of denatured or of methyl alcohol. In view of the questions that Mr. Hamill asked yesterday, I desire to state my understanding of the difference between denatured and methyl alcohol and ethyl alcohol. Methyl alcohol is nothing more or less than—

Mr. HAMILL. Methyl alcohol and denatured alcohol are synonymous, are they not?

Mr. BARKLEY. No. Methyl alcohol for all practical purposes is wood alcohol. It is a distilled spirit from wood. Denatured alcohol is ethyl alcohol whose nature has been completely changed by the adding of some process which is unknown to me.

Mr. HAMILL. So that it is not alcohol at all; it is a chemical?

Mr. BARKLEY. Yes: it is alcohol.

Mr. JOHNSON. It is not potable any longer.

Mr. BARKLEY. Its nature has been changed so that it can be used only in the arts and sciences and for mechanical purposes, and can not be used for beverage purposes, for medicinal purposes, or for the manufacture of intoxicating liquors.

Mr. HAMILL. So far as we are concerned the meaning of ethyl alcohol is that it is any alcohol that is capable of being used in an intoxicating beverage?

Mr. BARKLEY. Yes; if it is distilled spirit of grain, and it is used for that purpose, except where it is denatured.

Mr. HAMILL. That is all I wanted to know.

Mr. BARKLEY. The second section provides that the manufacture, importation, or exportation of denatured or methyl alcohol is not prohibited, or of ethyl alcohol for medicinal, pharmaceutical, or mechanical purposes, etc. That distinction is calculated to bother unless it is clearly understood that there is a difference between denatured and methyl alcohol and ethyl alcohol.

The second section provides that nobody can sell methyl alcohol except licensed druggists and manufacturers. It limits the sale of ethyl alcohol to those who are licensed as druggists or manufacturers under the provisions of the bill.

Section 2a provides, as I said yesterday, that all railroad and steamboat companies or other transportation companies, which are engaged in the business of the importation of liquors into the District, shall keep a record book in which is required to be kept the amount, the kind, the date of delivery, by whom delivered, by whom received, and also shall be accompanied by an affidavit of the consignee

stating that it has not been used for any unlawful purpose; and it also punishes the violation of the law for each day that it is not complied with, and makes it the duty of the transportation company to designate somebody whose duty it shall be to keep this book, and it also punishes that employee, whoever it may be, if he fails to keep the record.

Section 3 provides for the sale of permitted liquors by licensed druggists or pharmacists. It provides "that regularly licensed and registered druggists or pharmacists in the District of Columbia shall not sell alcoholic or other prohibited liquors, nor compound nor mix any composition thereof, nor sell any malt extract or other proprietary medicines containing alcohol, except such compounds, compositions, malt extracts, or proprietary medicines be so medicated as to be medicinal preparations or compounds unfit for use as beverages, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto."

Mr. CARY. Does that include Peruna and Duffy's Malt Whiskey?

Mr. LOBECK. What do you know about that?

Mr. BARKLEY. I think it does not.

Mr. LOBECK. What do you know about Duffy's Malt Whiskey?

Mr. BARKLEY. Peruna is popularly believed to contain a large proportion of alcohol. I do not know whether that is so or not.

This section also provides that the physician who gives that prescription must, from his treatment of the case, conceive it to be necessary for the patient, and it provides a punishment for his violation of the law or giving any prescription that is not good faith, and makes it necessary for the druggist to keep a record of all the transactions or prescriptions of physicians, which may be open to the public inspection during the hours of business, and each druggist and pharmacist must keep a record of each sale under the prescription of a physician, and must require the signature of the person to whom it is delivered, and the bill sets out a form of book which is expected to be substantially complied with in which the information is to be kept. It also makes it a duty of the druggist and pharmacist, whenever called upon by the city commissioners or by the courts, to produce this book in court or to the commissioners, and also to report how much alcoholic liquor was on hand at the time the bill went into effect, how much is on hand at the time of the report, and how much has been sold between any reports that may have been made by the druggist or pharmacist.

Mr. CROSSER. Pardon me if I interrupt you just a moment.

Mr. BARKLEY. Yes.

Mr. CROSSER. I have been unable to get this. Do I correctly understand you to say that there is a form of prescription provided by the law?

Mr. BARKLEY. No; I say there is a form of book to be kept by the druggist.

Mr. CROSSER. Yes, I know; but is there any provision for the physician's certificate?

Mr. BARKLEY. Yes; there is a provision there, but no form set out.

Mr. CROSSER. Will you just restate that?

Mr. BARKLEY. It says: "Such prescription shall contain a statement that the disease of the patient requires such a prescription,

shall be numbered in the order of receiving, and shall be canceled by writing on it the word 'canceled,' and so on.

Mr. CROSSER. Yes. There is the statement above, "except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto."

Mr. BARKLEY. Then it prescribes a punishment for the violation by the druggist or pharmacist, or by the physician, which is practically the same punishment as is inflicted in the first section of the bill for violation.

Section 4 of the bill provides a method by which ministers, pastors, or priests of any religious congregation or church desiring wine for sacramental purposes may obtain it, the provision being that they shall make application to the Commissioners of the District of Columbia for a permit to obtain not exceeding five gallons at any one time, for sacramental purposes.

Mr. DARROW. Does this cover the unfermented wine that is ordinarily used?

Mr. BARKLEY. Yes; it is broad enough to cover that. It says "wine."

Mr. LLOYD. It would not be necessary to obtain a permit to use unfermented wine?

Mr. BARKLEY. No. The section previous to this, describing alcoholic liquors, does not cover unfermented wine.

Mr. DARROW. That is why I asked the question.

Mr. BARKLEY. But the section referring to the permission to obtain for sacramental purposes simply says "wine," and that would relate back to the description in section 1 as to what is included in alcoholic liquors, and would not include unfermented wine.

Section 5 provides that "any person, company, or corporation desiring to manufacture alcoholic or other prohibited liquors for the purposes permitted in this act shall on or before the 1st day of November of each year obtain a license from the Commissioners of the District of Columbia for the year beginning November 1 upon the payment of \$100, which money shall be deposited with other license funds of the District. Druggists, wholesale or retail, desiring to sell alcoholic or other prohibited liquors for the purposes permitted in this act shall obtain a license in the same way for the same period, the fee for wholesale druggists being \$25, for retail druggists \$10."

Their licenses are to date from the same time as those for manufacture. The Commissioners are given power to refuse or revoke all licenses in the ordinary way if they have any reason to believe that they are not applied for in good faith. The bill says that "manufacturers licensed according to this section shall sell alcoholic and other prohibited liquors within the District of Columbia to druggists, hospitals, and scientific laboratories, only, and only to such druggists as are licensed under the terms of this section. No others than druggists and manufacturers licensed according to this section may manufacture or sell alcoholic and other prohibited liquors in the District of Columbia, and these only for the purposes permitted by this act."

Of course then it goes on to exclude the various departments of the Government who may desire to have liquor for the purposes of investigation, and laboratories, and so on.

Section 5a provides that all licensed manufacturers of alcoholic liquor not herein prohibited "shall keep a permanent record of all sales and shipments of alcoholic liquor." The record shall set forth "the name of the consignee or purchaser, the quantity of liquor, the express company or other carrier by which such liquor was shipped, the date of sale or shipment, and the purpose of the purchase as set forth in the affidavit accompanying the order. Each common or special carrier of alcoholic liquors within the District shall keep a record as above provided, and a certified copy of such record with a copy of the affidavits shall be filed with the District Commissioners not later than the 5th day of each month for the calendar month preceding."

That is a monthly report of the transactions that occur under the bill.

Mr. DARROW. Does the bill permit the use of alcohol to preserve specimens and things of that kind?

Mr. BARKLEY. Oh, yes; that is a scientific and mechanical purpose.

Section 5a further provides that "no shipment of alcoholic liquors shall be made until the purchaser signs an affidavit," and so on. That is simply a regulation as to how the law shall be enforced.

Section 6 provides "that it shall be unlawful for any common or other carrier, express company, or any person to deliver to any person, company, corporation, club, or association or order, his, or its agents, clerks, or employees, any liquors in the District of Columbia, knowing the same to be such." That means any prohibited liquor.

Section 6 further provides that "in the case of shipments of liquors for purposes not prohibited it shall be unlawful to bring the same into the District of Columbia, or to deliver the same therein, in original packages or otherwise, on any Sunday or on any other day" earlier than 6 o'clock a. m. and later than 5 o'clock p. m., and violation is punished, and so on, by a fine of not less than \$100 or more than \$500 or imprisonment.

Section 7 provides "that every person who shall directly or indirectly keep or maintain by himself or by associating with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any club house, or other place in which any alcoholic liquor is received or kept for the purpose of gift, barter, or sale, or for distribution or division among the members of any club or association by any means whatsoever, or who shall maintain what is commonly known as the 'locker system' or other device for evading the provisions of this act, and every person who shall use, barter, sell, or assist or abet in bartering, selling any liquors so received or kept, shall be deemed guilty of a misdemeanor," and upon conviction thereof be subject to the penalties prescribed in the first section of the act, "and in all cases the members, shareholders, associates, or employees in any club or association mentioned in this section shall be competent witnesses to prove any violations of the provisions of this act," and they shall not be excused from testifying on the ground that it will incriminate them, but where they do testify their testimony shall not be used against them in any criminal proceeding.

Mr. WILSON. Nearly all these penalties are not in the alternative, but they are so many dollars fine, and imprisonment.

Mr. BARKLEY. Most of them, if you will read carefully, you will find are from one amount to another, or imprisonment, or both, in the discretion of the court. There is one section there which includes both.

Mr. WILSON. No; in section 1 it is both, and in the following section it says that the penalty for violation of that section shall be the same as in section 1.

Mr. BARKLEY. Yes.

Mr. WILSON. The penalty in section 1 is "not less than \$300 nor more than \$1,000, and shall be imprisoned in the District jail or workhouse for a period of not less than 30 days nor more than one year for each offense."

Mr. BARKLEY. Yes; that is true. All those sections that refer back to section 1 provide for both fine and imprisonment.

Mr. WILSON. Do you not think that should be in the alternative?

Mr. BARKLEY. No; I think it ought to be left as it is in the first section of the act, because there might be bad cases in which the payment of a fine would be a very small matter, but if it is both fine and imprisonment, in exaggerated cases that would deter from violations of the law.

Mr. WILSON. If you put it in the alternative, a court can in its discretion impose the punishment of fine, and imprisonment, too; but suppose you should come across a case of not much gravity; are you going to send a man to jail for that?

Mr. BARKLEY. Those provisions that refer back to section 1 are those that deal with offenses of a graver character. The smaller violations in the rest of the bill have a penalty in the alternative.

Mr. LLOYD. Will you permit an inquiry at that point?

Mr. BARKLEY. Yes.

Mr. LLOYD. Suppose a man gives away a single drink, would it not be an exaggerated punishment to send him to the county jail and fine him \$1,000?

Mr. BARKLEY. I want, in that connection, to amplify the statement I made yesterday as to the construction of the bill. The bill does not specifically prevent the giving away of a drink, provided the giver comes into possession of it lawfully. The mere act of my giving you a drink of whisky in the District of Columbia is not prohibited or punished except in section 8, where it provides that where it is done for the purpose of evading the provisions of the law, then it shall be punished. But the manufacture of liquor for the purpose of giving it away, and the purchase of it for the purpose of giving it away, and the importation of it for the purpose of giving it away are prohibited. But if you come into lawful possession of it without any purpose to evade the provisions of the law, and happen to give away a drink, the bill does not punish the mere giving of the drink.

Mr. HAMILL. Is that permissible under the bill?

Mr. BARKLEY. Yes; I think it is. That is, section 8 says that the keeping on hand or giving away, if it is done for the purpose of evading the provisions of the law, is punished; but it has got to be done for that purpose.

Mr. FOCHT. Is it not a fact that, according to the discussions I heard in the Senate, this bill is really designed to close up the hotel bar and the saloon as the first step toward what is termed a "bone-dry" situation?

Mr. BARKLEY. Yes; the main object of the bill is to make it unlawful to sell——

Mr. FOCHT. Yes; to close up the bar?

Mr. BARKLEY. Yes.

Mr. FOCHT. That is the idea.

Mr. BARKLEY. And of course the other provisions in the bill are for the purpose of safeguarding that very thing.

Mr. FOCHT. As I understood, Senator Sheppard said we did not want to make it too hard in the first place, but this was to take the first step and close up the bars in the first place?

Mr. BARKLEY. As I remember the discussion in the Senate, it was not thought wise to provide for a bone-dry district, so called, at this time, but the object was to prohibit the sale and manufacture for sale of liquor as a beverage, and to throw around, of course, that prohibition the necessary safeguards in order to prevent evasion or violation.

Mr. FOCHT. Just one more question there, as I have the opportunity now. Is anything contemplated here with respect to the manufacture of alcohol by the so-called Corby Co., that I heard so much spoken of in the Senate?

Mr. BARKLEY. Yes; that is provided for.

Mr. FOCHT. It seems to be a kind of a paradox in prohibition, if they could manufacture alcohol and send it to the Wilson whiskey people, and they can manufacture it into whiskey and send it up into Pennsylvania.

Mr. BARKLEY. The law provides that alcohol of any kind can not be shipped out of the District of Columbia except for medicinal, pharmaceutical, mechanical, and scientific purposes. The Corby Co., as I am advised, do not sell their alcohol to anybody who makes whiskey. They sell it for commercial purposes, the arts and sciences, and mechanics; but even if they have been doing that, this bill prevents them from shipping out of the District of Columbia any alcohol that they manufacture for the purpose of being used in the manufacture of alcoholic or intoxicating liquors.

Mr. FOCHT. They have ceased to do that? You know there were presented over there letters from the Corby Co. soliciting business of the Wilson Whiskey Co. for the sale of this alcohol. They have ceased to do that business?

Mr. BARKLEY. Yes; they have.

Mr. JOHNSON. Is the Corby Co. a corporation?

Mr. BARKLEY. I do not know whether it is or not; I think it is, but I am not sure.

Mr. JOHNSON. If the stock of that corporation were to be sold and another management got hold of it, the new management might not continue to entertain the same good opinion as to what is done with its product as the present company?

Mr. BARKLEY. I think we may assume that the Corby Co. or any other company that may be organized or may manufacture alcoholic liquors will be required to sell their product at their own risk. If they sell it for a purpose that is intended, either through mediaries or through other sources, to go into the manufacture of alcoholic liquors, they will subject themselves to the penalties of this law. Of course I realize, just like it is impossible to absolutely enforce without any violation at all any law, that somebody on the outside might get hold

of some of this ethyl alcohol that is manufactured here and might sell it to somebody who might want to make whisky out of it; but if anybody ordered from the Corby Co. quantities of alcohol that were of sufficient volume to put them on notice that it might be that it was being used for that purpose, it would be their duty to investigate and see whether that was the intention.

Section 8 is the one that I referred to a while ago. It provides that the "keeping or giving away of alcoholic or other prohibited liquors for the purpose of evading the provisions of this act shall be deemed an unlawful selling, subject to the penalties provided in section one of this act."

Section 9 is that one providing "that if any person shall advertise or give notice by signs, billboards, newspapers, periodicals, or otherwise for himself or another the manufacture, offering for sale, or keeping for sale of alcoholic or other prohibited liquors for purposes forbidden or prohibited under this act, or shall circulate or distribute any price list, circulars, or other blanks advertising such liquors, or publish or distribute any newspaper, magazine, periodical, or other written or printed paper in which such advertisement of liquor appears, or shall permit to be posted upon his premises, or premises under his control (including billboards) or shall permit the same to so remain upon such premises, he shall be guilty of a misdemeanor and be fined not less than \$100 nor more than \$500."

Mr. BAILEY. May I interrupt you for a question, there?

Mr. BARKLEY. Yes.

Mr. BAILEY. Would that affect the newspapers of New York or Boston or Milwaukee?

Mr. BARKLEY. I think not; I do not so understand it. I think it refers to anything in the District of Columbia, because the District of Columbia could not, of course, punish something that happened in New York.

Mr. BAILEY. Yes; but what I am getting at is this: Suppose a newspaper published in New York, sent into the District of Columbia, contained some advertisement the circulation of which is prohibited in the District of Columbia?

Mr. HAMILL. How about the newsdealer and the newsboy who distribute and circulate it?

Mr. BARKLEY. I thought about that section, and——

Mr. HAMILL. Of course it may not apply to them at all, but what do you think about it; or, take a magazine that comes in and a newsdealer sells it.

Mr. BARKLEY. The object of this provision is to prevent the circulation of any advertisement of any kind in the District of Columbia giving notice or describing or saying where liquor can be produced or sold in violation of this law. Sincerely, I do not think it was intended to prevent the circulation of newspapers published in New York or San Francisco which might have in them an advertisement of liquor which was purchasable in New York or San Francisco.

Mr. HAMILL. I do not think so myself. I think, like you, that it means that you can not have a circular advertising whisky, say, printed at a printing office here, and somebody send them out. But the difficulty is that the law is so drawn that the courts could

very reasonably construe it to apply to newspapers, such as the New York newspapers, carrying such advertisements.

Mr. WILSON. They undoubtedly will, under this language.

Mr. BARKLEY. That is assuming, of course——

Mr. HAMILL. We are here, of course, framing an act, and discussing it for that purpose.

Mr. BARKLEY. That would be assuming that the court did not want to find the legislative intent in the law.

Mr. HAMILL. A court takes not what the legislature means, but what the words import.

Mr. BARKLEY. If the language was strictly construed according to the letter, it might prohibit the distribution of advertisements in the District of Columbia for liquor by any method whatever.

Mr. MAPES. It applies only to the advertisement of prohibited liquors, does it not?

Mr. BARKLEY. Yes; that is true.

Mr. MAPES. The sale of liquors is not prohibited in New York or in Milwaukee by this act?

Mr. BARKLEY. No.

Mr. FOCHT. Is not that all covered by the bill which passed the House the other day with regard to inserting liquor advertisements in newspapers?

Mr. BARKLEY. That has not passed the House. It passed the Senate. Of course, if it passed the House that would absolutely regulate all that subject without any provision in this act at all.

Mr. WILSON. Suppose a man in the District of Columbia saw an advertisement in the New York World and bought whisky and brought it into the District and sold it here, would not the newspaper be aiding and abetting, under this act, or the person distributing the newspaper here?

Mr. BARKLEY. If the newspaper were published in New York and carried an advertisement of the liquor in New York, and some newsboy circulated that paper here in the District of Columbia, I do not construe the intention of this section to be that that boy would be subject to punishment under it, because shipment of the liquor itself could not be made into the District of Columbia if it was prohibited under the act.

Mr. HILLIARD. Would it be a world's disaster if it was so construed?

Mr. BARKLEY. I do not know whether it would be a disaster or not, but it would be very inconvenient.

Mr. HILLIARD. It would be hard on the boy.

Mr. LLOYD. Would it be the newsboy that distributed the paper that would suffer the penalty?

Mr. BARKLEY. I do not think there is any court that would punish any one of them very severely; the kind of newsboy that we have here.

Mr. LOBECK. Could not any news dealer be haled into court?

Mr. BARKLEY. Some news dealer might be; but the court itself would settle the matter so they would have warning and would not engage in that business in the future; and if he was acquitted it would be evidence of itself that the law did not apply in such cases.

Mr. HAMILL. He probably would not be haled into court unless somebody had an enmity against that news dealer.

Mr. BARKLEY. It is possible that some news dealer, say, might be brought into court, but that would be a test case and would determine what conduct the news dealers should follow thereafter.

Mr. HAMILL. If the court did hold a news boy or dealer that distributed New York papers, say, containing advertisements of whisky, was guilty under this act, you would be the first man to say that that was not intended in the bill?

Mr. BARKLEY. That is my view of it, Mr. Hamill.

Mr. HAMILL. That being your view, you ought to consider carefully and either redraft that section or be satisfied that it does not take in such cases.

Mr. BARKLEY. Section 10 provides "that if one or more persons who are competent witnesses shall charge, on oath or affirmation before the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, presenting that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this act by manufacturing," and so on. It provides how the prosecution shall be started. It shall be by request to the corporation counsel or any of his assistants to issue a warrant or proceed to enforce the law.

Mr. JOHNSON. Do you know of any other instance where the Commonwealth's attorney makes the affidavit—where the prosecuting attorney makes the affidavit?

Mr. BARKLEY. I am not familiar with all of the State laws, Mr. Chairman, on that subject. There is not anything that prevents a Commonwealth's attorney, even in our State, from making the affidavit. If anybody supplies him with the information, either under oath or without being sworn, the Commonwealth's attorney may require the informant to make oath to what he states, but if he does not require it there is nothing to prevent the Commonwealth's attorney from making oath that on the information he receives the prosecution is instituted. There are cases where the prosecution is not instituted by indictment, but by information, and the agency through which that information becomes effective is the district attorney or the prosecuting attorney of the State, district, or county.

Mr. JOHNSON. In this case the district attorney himself is made the informant.

Mr. BARKLEY. That is hardly correct. The district attorney is required to act where one or more persons give him a statement of facts which indicates a violation of the law.

Mr. LLOYD. That is, under oath?

Mr. BARKLEY. They have got to give it to him under oath, and then, based upon that affidavit, he institutes what is called in law an information, which is similar to the indictment of the grand jury, to charge against the defendant the violation of a law. The district attorney himself is not required to make affidavit.

Mr. JOHNSON. Every other prosecution in the District of Columbia is instituted in a different way from this, that is all.

Mr. BARKLEY. That is really the law now, Mr. Chairman, that under the excise law this information must be furnished to the corporation counsel under oath by witnesses, and then he institutes an information.

Mr. JOHNSON. I do not think the present so-called excise law in the District is valid.

Mr. BARKLEY. That is a matter for the courts.

Mr. JOHNSON. Congress had adjourned on the 4th of March.

Mr. BARKLEY. We do not want to discuss that here.

Mr. JOHNSON. And a Congress which had expired passed it.

Mr. BARKLEY. It has been looked upon as valid, and has been enforced. That is the provision of the law.

Mr. JOHNSON. Nobody has raised the question.

Mr. BARKLEY. Section 11 provides "that any person who shall, in the District of Columbia, in any street, or public or private road, alley, or in any public place or building, or in or upon any street car, or any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any alcoholic liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road, or in any railroad passenger train, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person anywhere, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not less than 5 days nor more than 30 days in the workhouse or jail of the District of Columbia, or by both fine and imprisonment."

Mr. LLOYD. Where is that "anywhere"?

Mr. BARKLEY. It is anywhere.

Mr. LLOYD. Is that the District of Columbia?

Mr. BARKLEY. Anywhere in the District of Columbia, of course. It says in the District of Columbia. The first words of the section are "that any person who shall, in the District of Columbia," etc.

Mr. LLOYD. I know that; but away down in line 15 it says, "shall disturb the peace of any person anywhere."

Mr. BARKLEY. That all relates back to the limitation as to the District of Columbia. I think that is not open to any other construction than that that means in the District of Columbia. All that follows it relates to what happens in the District of Columbia.

Mr. WILSON. Would that prohibit a man coming here from another State who happened to have a bottle with him from taking a drink in his room at a hotel or a public place?

Mr. BARKLEY. Not a public place: a public place where a man is calculated to disturb anybody.

Mr. HAMILL. Suppose he takes a drink on the train?

Mr. BARKLEY. Well, that is—

Mr. HAMILL. Now, this is not a fanciful supposition; it is something that happens every day. People travel on the trains and they are likely to become ill and to take a drink of liquor for medicinal purposes.

Mr. BARKLEY. That would come under the head of medicinal purposes.

Mr. HAMILL. Under that section they are prohibited.

Mr. BARKLEY. Of course, Mr. Hamill, it is easy to conjure up some sort of a situation where a man might violate the law.

Mr. HAMILL. Of course, it is this, Mr. Barkley; I know that the evil disposed could take advantage of it and pretend it was, and I am citing an example that occurs every day; and this section is so drawn that it affects the innocent as well as the guilty.

Mr. BARKLEY. In the first place, I think it is hardly to be presumed that anybody would ever attempt to arrest a sick person on the train for taking a drink of whisky; but we are bound to presume that this matter will be reasonably enforced.

Mr. HAMILL. That may be because of the tenderness of their sentiments.

Mr. BARKLEY. Not necessarily.

Mr. HAMILL. But in spite of their tender-heartedness they will be forced ultimately to enforce this law.

Mr. BARKLEY. The question of sentiment and tender-heartedness enters into the punishment of all crimes, whether they have relation to enforcement of prohibition laws or not.

Mr. HAMILL. But not with the ministerial officers. The judge and the pardoning power has the right to exercise discretion, but a ministerial officer must follow the law strictly.

Mr. JOHNSON. Have we not got that law in Kentucky?

Mr. LOBECK. Yes; and the drink on the train is there, too.

Mr. BARKLEY. The prosecution can not be instituted except by the district attorney himself, and he is supposed to be a reasonable man and has some discretion.

Mr. HAMILL. I am suggesting these things to you for your benefit.

Mr. BARKLEY. I appreciate your good faith in the matter.

Section 12 provides that "the payment of the special tax required of wholesale or retail liquor dealers by the United States by any person or persons other than manufacturers or druggists licensed under section 5 of this act, within the District of Columbia, shall be prima facie evidence that such person or persons are engaged in keeping and selling, offering and exposing for sale alcoholic liquors." That is the usual provision that is in the State laws, that the possession of what is known as the receipt for the special tax collected by the Government is prima facie evidence of guilt. That may be rebutted, of course, by evidence in the court.

Mr. FOCHT. If this law should pass, what relation would it have to the Works-Kenyon bill?

Mr. BARKLEY. It would make all liquor that enters the District of Columbia subject to the local laws and regulations, and take away from it its interstate character. Nobody could fall back on the provisions of interstate commerce in order to evade the laws of the District of Columbia. It would have the same effect on whisky in the District as that does on whisky in the States; wherever there is no law regulating the use of whisky in or of the shipment into the State, immediately it gets within the boundary of the State the law takes hold of it, the Works-Kenyon bill having withdrawn from it the protection of interstate commerce.

Section 13 provides that "all houses, boathouses, buildings, club rooms, and places of every description, including drug stores, where alcoholic liquors are manufactured, sold, vended, or furnished contrary to law (including those in which clubs, orders, or associations sell, barter, distribute, or dispense intoxicating liquors to their members, by any means or device whatever, as provided in section 8 of this act) shall be held, taken, and deemed common public nuisances;" and they may be abated by process of law, either by the United States under prosecutions instituted by the district attorney, or by the corporation counsel of the District of Columbia.

Section 14 provides that "the United States district attorney for the District of Columbia, or any citizen of the District of Columbia may maintain an action in equity in the name of the United States to abate and perpetually enjoin such a nuisance as defined in the preceding section;" and no bond is required for the issuing of such injunction. It provides further that "any person violating the terms of any injunction granted in such proceedings shall be punished for contempt by a fine of not less than \$100 nor more than \$500 and by imprisonment in the District jail or workhouse for not less than thirty days nor more than six months, in the discretion of the court."

Section 15 provides "that when any violation of this act is threatened, or shall have occurred, or is occurring, the doing of, or the continuance or repetition of the unlawful act, or any of like kind by the offending party may be prevented by a writ of injunction."

Section 17 is the section prohibiting any person "who knowingly, permits any building owned or leased by him or under his control, or any part thereof, to be used in maintaining a common nuisance hereinbefore described in section 14 of this act, after being notified in writing of such use, neglects to take all reasonable measures to eject therefrom the person so using the same, shall be deemed guilty of assisting in maintaining such nuisance."

Section 18 provides "that no property rights of any kind shall exist in alcoholic liquors or beverages illegally manufactured, received, possessed, or stored under this act, and in all such cases the liquors are forfeited to the District of Columbia and may be searched for and seized and ordered to be destroyed by the court after a conviction when such liquors have been seized for use as evidence."

Mr. JOHNSON. Would that prevent the United States from seizing and selling the liquor to pay the tax, if it was contraband?

Mr. BARKLEY. That is under a different provision of law, that they may do that with contraband goods.

Mr. JOHNSON. Under the Federal law, whenever a revenue officer comes across any kind of alcoholic liquor upon which the tax has not been paid, he seizes it and sells it for the tax.

Mr. BARKLEY. That would not prevent that. This provides that where liquor has been seized for the purpose of being used as evidence in a conviction under this law it shall be destroyed.

Mr. JOHNSON. Suppose it is illegally made?

Mr. BARKLEY. I do not think that there is any conflict there. The United States operating under the law already in existence could seize the liquor under the general law and confiscate it, where the tax had not been paid upon it.

Mr. JOHNSON. My question was, would not this give priority to the one that got hold of it first—the United States or the District of Columbia?

Mr. BARKLEY. In either case it would be likely to be destroyed.

Mr. JOHNSON. In the first instance the Government gets the tax.

Mr. BARKLEY. I think if it was seized by the Government, it could be destroyed or used as they might see fit. The Government would not sell it here in the District of Columbia for the purpose of violating that law, but unless this other law is repealed on that—

Mr. JOHNSON. That is the reason that I am asking this question. The Government does sell seized whiskey in prohibition countries.

Mr. BARKLEY. Yes, I know that; and if there is any conflict between these laws in the District, the last legislative expression would prevail.

Mr. JOHNSON. Which would be this?

Mr. BARKLEY. Which would be this.

Mr. FOCHT. Pardon me, but several years ago, I believe under the Works Act, for which we all voted, the committee eliminated some 200 saloons in the town on the ground of proximity to church and schoolhouse, the theory being to remove that temptation and allurements from the children, etc. I would like to have your interpretation of this act, the theory being that they are going to still further restrict the saloon and take away and still further remove the allurements and temptation to the old and the young man and not go too far and interfere with personal liberty, I understand. I may not have been here when you went over that portion of the bill; but do I understand that a gentleman or a lady or anybody living in the District of Columbia can not serve a drink to a guest? Or, for instance, to-morrow evening there is to be a banquet given by the employees of the Star Publishing Co., and it is a fair chance that they will have there a cocktail and a little light wine for their guests. Would they not be able to serve that under this bill?

Mr. BARKLEY. I do not think that they would.

Mr. FOCHT. I want to get at this thing. You people regard the elimination of the saloon as only one step toward the complete prohibition of the use of alcoholic beverages?

Mr. BARKLEY. That is not absolutely precise. If you come into possession of that liquor in your home lawfully, that means that you have imported it for your own individual use.

Mr. FOCHT. Then I would not import any; but I might want it for the purpose of hospitality.

Mr. BARKLEY. You could not do it. The only way is—

Mr. FOCHT. I could not bring a man to my home and give him a drink in my apartment? If a constituent of mine should come to see me I could not give him a drink?

Mr. BARKLEY. Yes; you could if you had brought the liquor in to use yourself, not for the purpose of giving it away, and the guest was in your own home.

Mr. FOCHT. No; I would not want it for myself, but for my guests. If I were sick, I certainly would not want to take whisky. I might want to do it to stimulate and become hilarious, but I would not want it as a medicine.

Mr. BARKLEY. It is difficult to distinguish between gifts. A gift is a gift, and the law prohibits its manufacture or import for the purposes of gift. It could not permit you to give liquor to a dozen people at a club, or down at the Star office, as you suggested.

Mr. FOCHT. No; that was at a hotel, not at the Star office. They were giving a banquet at a hotel—the Star employees.

Mr. BARKLEY. Of course you could not do that.

Mr. FOCHT. You could not?

Mr. BARKLEY. No, sir; not under this bill. But if you have liquor for your own use in your own home, and a guest comes along and wants a little, this bill does not prevent the gift to a friend unless it is done for the purpose of evading this law.

Mr. HAMILL. That is quite a strained construction.

Mr. BARKLEY. Well, I think that there is no other construction that can be put upon this section 8.

Mr. HAMILL. Here is the first section, which provides against the giving away of this liquor.

Mr. BARKLEY. The first section does not prevent the giving away of liquor.

Mr. HAMILL. It says anyone who shall have it in their possession for the purpose of gift, or shall import it for the purpose of sale or gift.

Mr. BARKLEY. It is having it in the possession for the purpose of selling or giving; but the mere act of giving is not prohibited.

Mr. FOCHT. What I wanted to find out was where you drew the line; the question of outside selling, and the old big billy-goat advertisement on the sign, and the green door going open and shut, drinking, and all that; whether you are going beyond that and say that a man can not in his own home give a friend a drink?

Mr. BARKLEY. No, sir; this does not prevent the giving of a friend a drink in your home. It prevents the bringing in of whisky for the purpose of giving it away.

Mr. HAMILL. Is not that precisely what the intent is?

Mr. HILLIARD. Giving it away, Mr. Barkley, is simply incidental.

Mr. BARKLEY. Yes, of course, that is incidental; but you understand that the bill could not go into all details and say that a man could not give it away in his home, because that would permit all sorts of evasions of the law, and people would say, "I brought it in for the purpose of using it in my home," and then they would do anything they pleased with it. You have got to make a general provision in the law to prevent wholesale evasion of the law, and as I said in the beginning, it is not the intention, of course, to make an impossible situation, and you can not provide that every person who has a little bottle of liquor in his home is a violator of the law. Some of the States are passing laws like that now, but this does not go that far.

Mr. CROSSER. Is not this really about what would be the construction—I think you will agree with me—that if this liquor were brought into the District with the intention that it should be used personally, if it was in your home and you happened to give it to some one, then of course there would be no violation?

Mr. BARKLEY. Yes.

Mr. CROSSER. But if you simply intended to use it to give to your guests, then it would be a violation?

Mr. BARKLEY. Yes.

Mr. CROSSER. It is a matter of evidence?

Mr. BARKLEY. Yes. If a man got in the habit of getting too much of it, say, and it got to be a place where they would go to get it, that would be evidence of his intention of bringing it in, of course.

Section 19 is the one that provides that "every wife, child, parent, guardian, or employer, or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, such wife, child, parent, or guardian shall have a right of action, in his or her own name, against any person who shall, by selling or bartering intoxicating liquors, have caused the intoxication of such person, for all damages actually sustained, as well as for exemplary damages; and a married woman shall have the right to bring suit, prosecute, and

control the same, and the amount recovered the same as if unmarried; and all damages recovered by a minor under this act shall be paid either to such minor or to his or her parents, guardian, or next friend, as the court shall direct."

Section 20 provides that "if any person while in charge of a locomotive engine, or while acting as a conductor or brakeman of a car or train of cars, or while in charge of any street car, steamboat, launch, or other water craft, or while in charge of or operating any automobile or horse vehicle in the District of Columbia shall be intoxicated, he shall be guilty of a misdemeanor, and if convicted shall be punished by a fine of not less than \$25 nor more than \$300, and in default in payment of said fine shall be imprisoned in the District jail or workhouse for not exceeding three months, or both fine and imprisonment in the discretion of the court."

Section 21 provides that "it shall be the duty of the Commissioners of the District of Columbia to enforce the provisions of this act," and that "they shall detail qualified members of the police force to detect violations of the act," detail particular officers of the police department for the purpose of investigation and search, to find out if there are violations of the law carried on; and it makes it the duty of all police officers to enforce the provisions of the law, and it makes it the duty of the commissioners to designate a certain number of police officers who shall especially look after the violations of the law.

Mr. FOCHT. And watch each other?

Mr. BARKLEY. If that is necessary; yes.

Mr. FOCHT. We will have another case of trying to tell when an officer is drunk.

Mr. BARKLEY. The second part of section 21 provides that if any such officer shall fail to comply with the provisions of this section he shall upon conviction be fined for failure or neglect to perform his duty, and that he may be removed.

Section 22 provides "that prosecutions for violations of the provisions of this act shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants."

That is what we were talking about, that when information is given to the corporation counsel, it shall be his duty to proceed.

Mr. WILSON. Are there any provisions making it a felony?

Mr. BARKLEY. No. Section 22 provides that "when, however, it appears to the Commissioners of the District of Columbia that it will be in the interest of more effective enforcement of the provisions of this act, they may request the United States district attorney for the District of Columbia to prosecute persons charged with offenses against the law, and when so requested by said commissioners the said district attorney shall proceed before the grand jury and in the Supreme Court of the District of Columbia to prosecute such offenders in manner now prescribed by law for the prosecution of persons charged with violations of the laws against crime in the District of Columbia."

Section 23 provides "that if for any reason any section, paragraph, provision, clause, or part of this act shall be held unconstitutional or invalid, that fact shall not affect or destroy any other section," and so forth.

Section 24 is the usual provision that in the interpretation of the act words of the singular number shall be deemed to include their plurals, and words of the masculine gender shall be deemed to include the feminine, as the case may be.

Mr. JOHNSON. That is done by statute here, anyway.

Mr. BARKLEY. Yes. These, in brief, are the general provisions of this act. As I said yesterday, the bill has passed the Senate and is now before you for action, and is now looking toward its consideration in the House of Representatives.

We are for this bill as it is written, and we hope the committee will see fit to report it to the House at the very earliest date in order that the House itself may have an opportunity to express its desires and its judgment as to the propriety and the necessity for this legislation. We think, Mr. Chairman and gentlemen, that the committee ought to report the bill, and that the House ought to pass it. It may not be what every man who is for prohibition desires, it may not conform to the desires or wishes of those who are against prohibition, granting that such legislation must pass; but this is the best bill that could be passed through the Senate, and expresses the legislative will of the Senate, and it is our desire that it shall pass the House without amendment. I think that the committee is entitled to the statement from me, in all frankness, that we desire the passage of this bill in its present form through the House of Representatives.

Mr. LLOYD. Do you understand, from the wording in the bill, that the bill goes into effect on the 1st of November of this year, if it is passed?

Mr. BARKLEY. Yes; the 1st of November of this year.

Mr. CROSSER. While you are on that question I would like to have your views on this last section here, where it states "that this act shall be in full force and effect on and after the 1st day of November, 1916." You referred to it yesterday, but I would like to get your views from a legal standpoint on that; not in any other way.

Mr. BARKLEY. As a lawyer I would say, and the courts have held, that an impossible date can not be effective; and November 1, 1916, is an impossible date, and if the matter should ever arise in court, the courts would have to decide either that the law took effect on the 1st of next November, or that it took effect immediately upon its passage. It could not be held to take effect at an impossible date, and I have citations, which I have not time now to call attention to, supporting that.

Mr. LLOYD. The first section says that it shall be in effect on and after the 1st day of November, 1917.

Mr. BARKLEY. The first section of the bill itself, as it starts out, says that it shall take effect the 1st of November, 1917, and the omission of that amendment in the last section, of course, was an oversight on the part of the Senate, and in interpreting the law the courts would hold following the intention of the legislature as so expressed in the first section; but even aside from that they could not hold that because the last section provides the 1st of November, 1916, the whole law was invalid, but they would be compelled, following the decisions in similar cases, to hold that the law either took effect on the 1st of November when it was intended by Congress, or if that date was not effective, that the law took effect immediately upon its passage and being signed by the President.

Mr. CROSSER. It may be that the first section cures that difficulty.

Mr. BARKLEY. I think it does.

Mr. CROSSER. But I am not clear on the rest of the argument.

Mr. BARKLEY. If the first section made no provision at all as to the date, and made no limitation on the subject, then the court would have to decide that the law took effect on its passage, because it is a rule of the courts that an impossible date can not be effective.

Mr. WILSON. They could not pick out November, 1917, any more than they could November, 1920.

Mr. BARKLEY. Yes, that is it. Now, gentlemen, I do not want to take up your time, because there are interested people here who desire to be heard on this bill. Let me say in conclusion that this bill, Mr. Chairman and gentlemen, is in line with the enlightened sentiment of this Nation, and not only as to the manufacture and sale of liquor in other parts of the United States but also with respect to the District of Columbia. At this time 25 States of the Union have gone dry, and only last week the State of Indiana passed through its legislature by an overwhelming vote a bone-dry bill for the State of Indiana. Utah has done the same thing. There are in all 25 States, a majority of the States of the Union, which have either by legislative action or by constitutional amendment voted against and outlawed the manufacture and sale of intoxicating liquors within the boundaries of those States. And even in those States which have not gone dry as a whole, in practically all of them, with a few exceptions, they are overwhelmingly dry in actual operation; so that there are now nearly 70 per cent of the population of the United States living under prohibition law, and nearly 90 per cent of the territory of the United States living under prohibition law.

In view of these conditions we think we have the right to say that Congress, representing the sentiment of the people of the United States upon this subject, not only has the right to do it but that it is its duty to make its National Capital, the home of our Government and where our people take pride in coming for patriotic and other reasons, conform to the sentiment over the whole country upon this subject, and pass this bill at this session of Congress providing against the manufacture and sale of intoxicating liquors.

Mr. BURKE. Will you permit a question?

Mr. BARKLEY. Yes.

Mr. BURKE. Are you a believer in home rule?

Mr. BARKLEY. I am, wherever under our form of government home rule is granted and wherever it can be legally put into operation.

Mr. FOCHT. Are you through, Mr. Burke?

Mr. BURKE. Yes.

Mr. FOCHT. This might be a source of much information, and would be to me—I have been asked the question many times, and read an article yesterday on the subject. If half of the country is under prohibitory laws, why is it that they sell more whisky now than ever before, and the Government gets more revenue from it? I think that would be fine information, if we could get it.

Let me suggest if it is not a fact that the people now living in the dry territory drink what is said to be about as much as those living in the wet? The suggestion is made that these territories are not dry. What have you got to say about that?

Mr. BARKLEY. Well, Mr. Focht, there are various opinions upon that subject; but I think wherever a law has been passed making a territory dry, the consumption of liquor in that territory has diminished; and if it were true, as has been suggested from many quarters, that the enactment of prohibition laws increases the manufacture and consumption of intoxicating liquor, every brewer and every distiller in the United States would be in favor of prohibition laws.

Mr. FOCHT. Yes; but they could not sell it.

Mr. BARKLEY. Could not sell it?

Mr. FOCHT. Yes. That is not the answer. I agree with you that it ought to prohibit. But if we pass a prohibitory law we want to wind it up, and I want you to understand that I am for winding it up right, you understand, and not have any half-way business about it. Now, why is it that the United States Treasury shows more receipts from cancellation of stamps on whisky last year than any year in the history of the country, and 90 per cent of the country is dry?

Mr. BARKLEY. I have not the correct figures as to the last report, but my impression was that the collection of revenues on distilled spirits had not increased, but that it was on the beer that it had increased.

Mr. BURKE. No; it is just the reverse.

Mr. FOCHT. It is just the other way.

Mr. BARKLEY. As I say, I have not examined the figures carefully. But even if that was the case, of course we have got to take into consideration the increase of the population and the increase in the manufacture of alcohol for other purposes than the making of whisky, and all of those things have got to be taken into consideration, and there has been an enormous increase in the production of alcohol due to the war now progressing in Europe. These things have all to be taken into consideration, and we can not fairly assume that all this increased revenue from distilled alcohol is due to the increase in the consumption of alcoholic liquors.

Mr. FOCHT. I would like to have it a little clearer than that, but we have not time now. I am in favor of cleaning this whole business up, and cleaning it up right, from the Union League Club in Philadelphia to the rich man's wine cellar, and all along the line, and I want to know whether this whole thing is a fake or what it is; if you are selling more liquor than ever before; if it is effective. If it is, I am for it.

Mr. BARKLEY. It is my opinion, not only from observation but from other sources of information, from the testimony from the people of the State of Kansas, from Colorado, from Seattle, from Georgia, from every place in the United States. If you will read the proceedings in the United States Senate you will find the Senators from these States testified in remarks before the Senate that whereas some of them were against prohibition in their States when it was submitted to the people, because they did not believe that the law could be enforced, uniformly they are now in favor of it because they have found that they were mistaken, and the law has been enforced, and consumption has diminished in the very localities where they were afraid it could not be enforced.

I shall not take further time of the committee. I appreciate the courtesy of the committee, and if we had plenty of time of course there are many phases of this question that we could go into, but

there are other persons who desire to be heard and I shall therefore conclude my remarks now with the understanding that I shall have a short time to conclude after the opposition has been heard, in rebuttal, as far as I individually am concerned.

Mr. JOHNSON. If there is no objection the committee will hear Mr. Barkley again at the conclusion of the hearings. No objection is heard.

Mr. BARKLEY. Mr. Chairman, Mr. Shoemaker now desires to address the committee for a short while.

Mr. JOHNSON. We have 30 minutes before the time of adjournment. I should say we have between 25 and 30 minutes.

Mr. LLOYD. I think it might be said to Mr. Shoemaker, safely, that you will have one other day for your hearing besides to-day, so that you can divide up your work. Is not that safe?

Mr. JOHNSON. I do not know.

Mr. BARKLEY. Let me ask you a question for information. This is Calendar Wednesday, and it is not going to be set aside. Mr. Kitchin told me so yesterday. I would like to know whether it is the intention of the committee, notwithstanding that, to adjourn at 12 to-day?

Mr. LLOYD. We expect to adjourn at 12, speaking for myself.

Mr. JOHNSON. If there is no motion made to the contrary, the committee will adjourn at 12.

Mr. BARKLEY. We will proceed as if that was going to be done, and then if it is changed we will govern ourselves accordingly.

Mr. SHOEMAKER. There are some others here who want to be heard briefly, Mr. Chairman, and I think I will call on them first. I will ask Mrs. Margaret Dye Ellis, representing the Woman's Christian Temperance Union, to speak first.

STATEMENT OF MRS. MARGARET DYE ELLIS.

Mrs. ELLIS. Mr. Chairman and gentlemen, we are here representing an organization of women, the National Woman's Christian Temperance Union, of over a half of million women in the United States. We are not here to take, and we do not propose to take, the time of the committee. We are merely here to show and to tell the committee of the keen interest of this half million women over the country in regard to the passage of this prohibition bill for the District of Columbia. I want to say that we have representing us here this morning our National president, Miss Anna A. Gordon, of Evanston, Ill., and Miss Ellis A. Yost, president of the Woman's Christian Temperance Union, of West Virginia, Miss Ella Hoover Thatcher, our national superintendent of work among the soldiers and sailors, and myself as national superintendent of legislation for the W. C. T. U. We are deeply interested in the passage of this bill. I think you will find that the majority of the women of this country are looking to you with prayerful solicitude for the passage of the measure, and we ask you speedily to grant this request. Thank you.

Mr. SHOEMAKER. I now present Miss Anna Shelton, president of the local Christian Temperance Union.

STATEMENT OF MISS ANNA SHELTON.

Miss SHELTON. Gentlemen of the committee, the Woman's Christian Temperance Union of the District of Columbia are not here this morning of their own free will and accord. They are here because of the interest they have in their homes. They are home-loving women, and this enemy has invaded their homes. An organization or a church or a state or a nation does not accomplish much that has not a vision, and for 40 years the Woman's Christian Temperance Union has had the vision of a clean city for her children. She has been wandering in the wilderness of this liquor traffic for 40 years, but she has still kept this vision bright in her mind, and the hand of the loving Heavenly Father has beckoned us on to this vision, and we appeal to the Committee on the District of Columbia and the House of Representatives to make this vision realized to the Woman's Christian Temperance Union and to the women all over this beautiful city of ours, that our streets may be clean and pure that our children may walk upon them without having the temptation of the liquor traffic in Washington.

Mr. SHOEMAKER. I now present Mr. Robert Burbank, of this city, who represents many thousands of the young people of this city.

STATEMENT OF MR. ROBERT BURBANK.

Mr. BURBANK. Mr. Chairman and gentlemen of the committee, at a meeting last night of the representatives of our organization of the Epworth League of the Methodist Church of this city, an organization with a membership of approximately 5,000 young people in the District of Columbia, I was designated to present to you our unqualified and unequivocal support of this measure, and our earnest desire and hope that it will be favorably acted upon in this committee and in the House.

Mr. SHOEMAKER. Is Dr. Richards here? I present Rev. T. B. Richards, of Montgomery County, Md., an adjoining dry county, who will address you for two minutes.

STATEMENT OF REV. T. B. RICHARDS.

Mr. RICHARDS. Mr. Chairman and gentlemen of the committee, Montgomery County is the adjacent county in Maryland to the District of Columbia, and of course much that prevails here will prevail there, because of this proximity. We have had a dry law for 34 years, but the District of Columbia has lent a strong hand to nullify that law by shipping it out and peddling it out by hucksters and otherwise, and our law has been practically nullified.

While there has been a dry law there and that law has been reasonably well enforced, as of all laws there have been violations, and this law can not be passed in the District of Columbia any more than it has been passed anywhere else so that it can not and will not be violated. If we would not pass laws or if we would repeal laws because they were violated, we would have to repeal the Ten Commandments, because every one of them has been violated ever since they have been enacted; but since we as a State have an interest in this District in a general way as all States have, and since we have

this special interest because of our proximity to the District, I think that our sentiment is overwhelmingly, irrespective of our dry law, because of the actual and constant interference with our matters, that this law should be extended through the District of Columbia.

Mr. SHOEMAKER. I now present the Rev. Clarence A. Vincent, a pastor of this city, who represents the temperance commission of the Congregational Church of this city.

STATEMENT OF REV. CLARENCE A. VINCENT.

Mr. VINCENT. Mr. Chairman and gentlemen, at our national gathering in New Haven last year, after thorough discussion, a resolution was unanimously passed favoring District prohibition according to the measure then before them for discussion—the Sheppard bill or the Barkley bill. We are very strongly in favor of it. Our church has always stood for things that worked for the public good, beginning back in the time of the Pilgrim Fathers, and it is quite significant to us that about 1,800 delegates gathered from all over the United States were unanimously in favor of these bills.

The second thing they felt was this: While believing thoroughly in the referendum where the referendum is enforced, they were opposed to a referendum for this measure here for the Capital City because of many significant reasons which I suppose I have not time to take up, but especially their feeling was this. I was surprised to find that they felt that the District ought to have some sort of referendum as a permanent feature of our life, and they felt that to attempt a referendum along the liquor question now, when we are unprepared for it in the District, would do more than anything else to queer the whole matter of the referendum in the District; and, personally, I want to say that after going into the matter as thoroughly as I can in the city, and watching some caucuses that have taken place within the memory of some of us, I am convinced that nothing would so injure the future of the city in regard to the rights you may grant us in this democracy than to make an abortive attempt here to have a referendum in this.

Mr. SHOEMAKER. The next speaker is the Rev. George M. Cummings, who lives and has his work in one of the sections of the city set off to itself, Anacostia. Anacostia is strictly a residential community. It has a few small business houses, but nine-tenths of the houses there are homes. Anacostia has a peculiar experience under the present law, and Anacostia is peculiarly interested in this bill which is now before you, and I am going to ask Mr. Cummings to speak to you just two minutes for Anacostia and for the association, which is opposed to the liquor traffic in that section.

STATEMENT OF REV. GEORGE M. CUMMINGS.

Mr. CUMMINGS. Mr. Chairman and gentlemen, I represent the Federation for Social Service, in Anacostia. This is a federation composed of the Episcopal, Baptist, Methodist, and Presbyterian Churches of Anacostia, and also the Woman's Christian Temperance Union of Anacostia.

As Mr. Shoemaker has intimated, we are a natural community; we are a city within a city. Time and again we have come before the excise board for redress, and have failed to obtain it, notwithstanding

the fact that we have circulated petitions among the adult population of Anacostia, and got 800 signatures of the adult population out of about 1,400.

We ask for a favorable report on this bill, gentlemen, on economic grounds. I will not take your time to go into statistics. I will ask that this paper be filed.

(The statement presented by Mr. Cummings is as follows:)

Comparative cost of crime—A study in two counties of Pennsylvania.

AUDITOR'S REPORT FOR 1909.

	Greene County (dry).	Elk County (wet).
Boarding prisoners.....	\$362	\$2,147
Grand jurors.....	663	2,119
Penitentiary and workhouse.....	431	2,123
Reform schools.....	868	770
Commonwealth costs.....	1,287	3,516
Total.....	3,111	10,774
Cost per voter.....	.47	1.84
Number of licenses.....	None.	68

Both counties are rural. Population 1910: Greene County, 28,882; Elk County, 35,871.

Mr. CUMMINGS. We maintain also that this is the next logical step for Congress to take, to give prohibition to the District of Columbia. Many years ago you have closed the bars in the two wings of the Capitol. The traffic has been outlawed from the Government buildings and immigrant stations. We maintain that the next logical step is to make the District dry, which is of interest to the entire country. You have just given prohibition for Alaska. You have the same jurisdiction over the District of Columbia, and if prohibition is good for Alaska, we maintain that it is good for us.

Every loyal, patriotic citizen feels an indebtedness to Congress for the way in which you have been beautifying our city, but the greatest benefit still remains to be conferred, and now is your opportunity. We trust that the bill may be favorably reported and passed without the referendum. The referendum did not obtain when the saloon was imposed upon the District, and so we maintain that it ought not to obtain now that we ask that it be removed. Thank you.

Mr. SHOEMAKER. Mr. Chairman and gentlemen, the bill under consideration is entitled "A bill to prevent the manufacture and sale of alcoholic liquors in the District of Columbia."

Mr. LLOYD. Before you begin let me ask how long you would require, Mr. Shoemaker?

Mr. SHOEMAKER. About 10 or 12 minutes.

Mr. JOHNSON. You have 14 minutes left.

Mr. SHOEMAKER. What was your suggestion, Mr. Lloyd?

Mr. LLOYD. I supposed that if you wanted to speak you did not want to divide the speech.

Mr. SHOEMAKER. No.

Mr. LLOYD. And we all want to be on the floor of the House at 12 o'clock. You will have plenty of time to speak to-morrow morning, if you want to speak then.

Mr. SHOEMAKER. Very well. I see Mr. Oyster here. Do you want to speak this morning, Mr. Oyster?

Mr. OYSTER. No.

Mr. SHOEMAKER. You are not ready?

Mr. OYSTER. No.

Mr. SHOEMAKER. Mr. Harold Ramsay desires to speak for the Epworth League of the Methodist Episcopal Church South.

STATEMENT OF MR. HAROLD RAMSAY.

Mr. RAMSAY. Mr. Chairman and gentlemen of the committee, I simply wish to represent about a thousand of the young people of the M. E. Church South in our support of this bill as it has been presented here. We are without any question strongly in favor of your passing this bill for the benefit of the District of Columbia not simply as a matter of sentiment, but as a matter to us of dollars, and of greater things even than dollars.

Mr. SHOEMAKER. Now, gentlemen, Dr. James Cannon, jr., of Virginia, the chairman of the National Legislative Committee of the Antisaloons League, is here, and will possibly not be here to-morrow, and he desires to speak to you at this time.

STATEMENT OF JAMES CANNON, Jr., CHAIRMAN OF THE NATIONAL LEGISLATIVE COMMITTEE OF THE ANTISALOON LEAGUE.

Mr. CANNON. Mr. Chairman and gentlemen, as chairman of the National Legislative Committee of the Antisaloons League of America, I have sent to every member of the committee and to every Member of Congress a statement from that committee which possibly may have escaped the wastebasket; may have been read or may not have been.

I wish to say that I speak altogether in a representative capacity. Most of you know the name of the Antisaloons League. It is one of the efficient organizations of the Nation in reference to the prohibition of the liquor traffic, and in practically every State of the Union it is carrying on its work, having a general superintendent and two or three assistant superintendents, in many of the States, and it has been working steadily in this Nation now for nearly 20 years to destroy the beverage liquor traffic. It has as its motto, as you know, "The saloon must go." That was the original slogan of the Antisaloons League, and that has been the great objective of the league from the beginning; the destruction of the traffic. Of course, there has been, of necessity, collateral work to be done to make effective the destruction of the saloon.

I represent, however, especially, this morning, the southern section of the Antisaloons League, as I happen to be chairman also of the southern section of the league executive committee.

I think I am not saying what the committee will not agree to when I say that there is no more solid section of the country in its position as to the liquor traffic than the country from the Potomac to the Rio Grande; that the cavalier, perhaps much to the surprise of the future historian, has outstripped the Puritan in his battle with the saloon; and that is the result not of sentimentality but of

practical idealism, that they recognized the fact that the saloon was an enemy of our civilization, in our particular section perhaps more so, for some reasons, than of some other section; and while we had our ideals, yet we brought into effect our ideals by practical and opportunist methods. We did not try in the South to get everything at one time. We got what we could get. We had our laws prohibiting the saloons in the country districts, and then we had our laws prohibiting the saloons in our small villages and towns; and then we took the other step and swept them out of our cities; and now for 90 days in Virginia we have had no liquor traffic, and the wettest newspapers in the State, the Richmond and Norfolk dailies, and the Petersburg dailies, have been obliged to admit in their editorial columns that Virginia will never turn back, but that all must admit that prohibition has been a great success, not only morally but economically.

Now, we believe in that policy here in the District. We do not ask for everything at one time. We say close the saloon. It is a public nuisance. It is of no profit. It is a great damage to every citizen who comes under its influence.

And we feel that we have some right in the matter. It is our Capital. The southern Senators, the southern Representatives, come here and live. Thousands of our young people, and older people, are here as employees of the Government and connected with the work here. Thousands more travel here for public business. We do not want them subjected to the public annoyance of the saloon. We think it ought to be closed. The State of Virginia, right across the border, has many, many citizens doing business in this District. They would have no votes, but they turn to Congress for relief, and Congress must give the relief if we have any.

Gentlemen, we say that if this House of Representatives is a representative body of the Nation, it stands here to put into execution the will of the people they represent, and we have in our office letters, telegrams, petitions, from all over this country, from the prohibition people, who state that they think that they have rights in the government of this District which can not be ignored, and they confidently expect their Representatives here in Congress to represent them; and although there may be 300,000 people in this District, yet there are 2,000,000 people in Virginia, there are 2,000,000 people in North Carolina, and all through our States there are not only a few hundred thousands but millions of people who turn to the Government and say, "It is our Capital; and the law in our Capital ought to conform itself to the law in which we believe."

In the brief time I have, I am not going to take up the discussion of the law as it stands. I happened to assist in framing very largely the prohibition law for Virginia, and have had much to do with the framing of prohibition laws in several States. It is very easy to pick flaws—small flaws—in a law. It is very easy to becloud the situation in that way. But this bill which you have before you is the result of the careful work and study of experienced prohibition workers, who have studied the laws in all the other States and have tried to adjust this law to special conditions obtaining in this District, and the possibility that somebody may be oppressed by some section of the law always exists in any law, but we are obliged to pass a law which will do the greatest amount of good, and we who

have had experience with the liquor traffic know that there is no traffic in the world that is more on the alert to find loopholes in a law and opportunities for evasion, and after we have made it as tight as we can, even then the ingenuity of their attorneys, the very brightest minds that can be secured in this country, the attorneys for the liquor traffic, if you leave a loophole, will find a way to get through.

"We then who are strong ought to bear the infirmities of the weak and not to please ourselves." We must be willing to have it bear down a little on us. If we can not serve our guests with a toddy, we will have to accept that condition. The people of the South are just as hospitable as they can possibly be in the District of Columbia, and the julep and the toddy are in southern literature, but they have had to go. Why? Because the southern sentiment has risen up and said, "For the sake of our children, for the sake of our future civilization, we must do to the death this menace to our boys and even to our girls"; and we simply ask you here in the District Committee to pass this bill, to pass it quickly—to pass it as it stands. Do not amend it; do not send it into conference. Everybody knows there are only 30 days or less for legislation. If this bill is going to be passed, it ought to be passed without amendment. The courts will take care of any situation that may arise, and the Congress will really meet again some time, and there will be no difficulty in amending any part that may work some apparent injustice. What we ask for is speedy action."

As you know, we could talk here on the evils of the liquor traffic for days. We could tell stories, pathetic stories; we could talk of the ruin of homes and the anguish of wives and mothers. This committee knows those things. There is not a man who dares here to defend the saloon. I have been fighting in this cause for 20 years and they never defend the traffic. They always bring up some other plea—a side issue. Gentlemen, you can not defend it. The time has come for the Representatives of our people in this Nation, here in this capital, to send out word all over the country, and all over the world, that we are done with it in the Capital City.

Mr. JOHNSON. We have just one minute remaining.

Mr. BARKLEY. Is that all, now, Mr. Shoemaker?

Mr. SHOEMAKER. Yes.

Mr. BARKLEY. I just want to make one suggestion, possibly, in brief reply to the question of Mr. Burke to me a while ago. I presume that you had in your mind the referendum proposition?

Mr. BURKE. Exactly.

Mr. BARKLEY. I expect to discuss that later from the standpoints of legality and advisability.

Mr. JOHNSON. When the committee meets it will be in executive session to-morrow morning at 10 o'clock; and afterwards the hearing will be continued.

(At 11 o'clock a. m. the committee adjourned until to-morrow, Thursday, February 8, 1917, at 10 o'clock a. m.)

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA

HEARINGS

BEFORE

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

SECOND SESSION

ON

S. 1082

TO PREVENT THE MANUFACTURE AND SALE OF ALCOHOLIC
LIQUORS IN THE DISTRICT OF COLUMBIA,
AND FOR OTHER PURPOSES

FEBRUARY 9, 1917

PART 3



WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Friday, February 9, 1917.

The committee met at 10 o'clock a. m., Hon. Ben Johnson (chairman), presiding.

Mr. JOHNSON. The committee will please come to order. Mr. Shoemaker, are you to be heard this morning?

Mr. SHOEMAKER. Not personally, Mr. Chairman. I am unable to go on myself. I have a very bad throat. We hope that the opponents of the bill will have an opportunity this morning.

Mr. JOHNSON. Mr. Columbus indicated to me yesterday that he wanted to be heard this morning.

Mr. SHOEMAKER. Mr. Oyster is here.

Mr. VINSON. Mr. Oyster is a champion of the bill, is he not?

Mr. SHOEMAKER. Yes.

Mr. VINSON. Let us hear from the other side. I move that the opponents of the bill be heard to-day.

Mr. JOHNSON. Is there anyone here opposing the bill and in favor of the referendum who wants to be heard?

Mr. CARY. Yes; here is Mr. Adriaans.

Mr. JOHNSON. Is it the pleasure of the committee to hear Mr. Adriaans?

Mr. Adriaans, you may proceed.

Mr. LLOYD. Before we proceed, can we reach an understanding as to whether there is to be a vote on anything else but adjournment?

Mr. JOHNSON. That is the understanding; that there is not to be a vote this morning on anything but adjourning?

Mr. LLOYD. Let us have an understanding about that. We have been adjourning from Friday each week until the following Tuesday, in order that everybody may have a little time to do departmental and office work.

Mr. JOHNSON. It will require a motion.

Mr. LLOYD. I move that when we adjourn to-day we adjourn to meet at 10 o'clock on Tuesday next.

Mr. WILSON. I move that when we adjourn we adjourn until Tuesday.

Mr. JOHNSON. Is there objection to that? The Chair hears none and it is so ordered.

Mr. WILSON. I shall be obliged to be absent this morning, Mr. Chairman.

Mr. VINSON. Did I understand the chairman to say that it will not be in order to make any motions to-day?

Mr. WILSON. He said it was not.

Mr. JOHNSON. That was the decision of the committee on yesterday.

Mr. VINSON. I do not think it was, Mr. Chairman. I differ with the gentleman.

Mr. JOHNSON. If the gentleman wants to make any motion——

Mr. VINSON. No, I do not; but I just wanted to say——

Mr. WILSON. Do you want to make any motion except a motion to adjourn?

Mr. VINSON. No.

(Mr. Johnson here temporarily left the committee room and the chair was assumed by Mr. Lloyd.)

Mr. WHEELER. The chairman has been ill, as you all know. He has been under the weather for two weeks. He has been obliged to leave the room for a time.

Mr. VINSON. Mr. Columbus wants to be heard.

Mr. CARY. Mr. Adriaans has been recognized.

Mr. LLOYD. Whom do you represent, Mr. Adriaans?

Mr. ADRIAANS. The East Washington Citizens' Association.

Mr. SHOEMAKER. Mr. Chairman, before Mr. Adriaans begins, for our side I will say that possibly one more day will be occupied.

Mr. LLOYD. You mean only one more day for any kind of hearing?

Mr. SHOEMAKER. For our side; yes, sir.

Mr. LLOYD. That will be after this?

Mr. VINSON. Is the chairman not going to be here to-day?

Mr. LLOYD. I think not.

Mr. VINSON. Mr. Columbus, you desire to be heard, do you not? Where is Mr. Columbus?

Mr. COLUMBUS. He is right here.

Mr. VINSON. Who else wants to be heard?

Mr. CARY. Mr. Adriaans, Mr. Columbus, and Mr. Barry. There are plenty here.

Mr. OYSTER. Mr. Chairman, I asked for an opportunity to be heard the other day on behalf of a large number of members of organized labor, with a signed petition, on the bill. I expected to have been heard yesterday, and I supposed this morning that the hearing would go on——

Mr. LLOYD. How long will that take you?

Mr. CARY. Mr. Shoemaker, who was going to speak for that side, said that they did not want to go on.

Mr. LLOYD. I know; but can we not have an understanding about this. Just stand aside, Mr. Adriaans, until Mr. Oyster is heard.

Mr. VINSON. I move that we hear Mr. Oyster, on the labor association's side, instead of Mr. Adriaans.

STATEMENT OF MR. EDWARD W. OYSTER.

Mr. LLOYD. Now, Mr. Oyster, we will hear you right at once. What is your name and whom do you represent?

Mr. OYSTER. Mr. E. W. Oyster, 3924 Eighth Street NW., and I am here representing a large number of members of labor organizations who have signed petitions favoring the Sheppard bill now pending in Congress, and desire to place ourselves on record as favoring the abolition of the liquor traffic in the District of Columbia.

Mr. CARY. How did you procure the signatures to those petitions?

Mr. LLOYD. Have you counted those names, and do you know how many persons they represent?

Mr. OYSTER. There are something over 500 names on this list, and there are other petitions out that have not been returned. I am not able to state definitely the total number of names that will be on the petitions when finally completed.

Mr. CARY. Did you secure these signatures yourself, Mr. Oyster?

Mr. OYSTER. I did not. I secured some of them myself, but most of them were secured by union men in the Government Printing Office and in the navy yard and in the Star building, and in the newspaper offices in the city.

Mr. CARY. In the Government Printing Office?

Mr. OYSTER. Now, for instance, here is the petition from the Star office. The first name on that petition is that of the foreman of the office, and there are 34 or 35 names on the petition of the printers employed in the Star office.

Here is the petition from Judd & Detweiler's office, passed around the office by one of the union men and signed by them.

Mr. CARY. Is this one, this printed petition? [indicating printed blank.]

Mr. OYSTER. That is one of the petitions that was passed around and signed. This is a petition that was made on the typewriter, and it is a similar petition to that, and the wording is the same as on that one.

Mr. CARY. You had this printed, then?

Mr. OYSTER. No, sir; I did not.

Mr. CARY. Who paid to have these printed?

Mr. OYSTER. They were paid for by the men interested in getting the petitions before the Congress.

Mr. CARY. Can you mention the names of some of these who paid for this?

Mr. OYSTER. Mr. Newsom (employed in the Government Printing Office) was one who contributed, and I contributed toward it myself, and other men on the petition contributed. I do not know all who contributed.

Mr. CARY. You say you know them. Now, let us have them. You have only mentioned two.

Mr. OYSTER. I know Shelby Smith contributed toward it, and I understand that other members of typographical union contributed to it, and there were a few others.

Mr. CARY. I want to say, Mr. Chairman, that I want to question him on this later. I have some more questions to ask him.

Mr. WHEELER. What difference does it make who paid for the printing of the petitions?

Mr. CARY. I might find a leak. I want to ask you, was there a meeting on February 6, 1917, of the labor body, and were you present?

Mr. OYSTER. On the 17th?

Mr. CARY. No; on the 6th, last Monday?

Mr. OYSTER. Yes; I was present.

Mr. CARY. Was there a resolution introduced there, if you remember, against the prohibition proposition?

Mr. OYSTER. Against it, at the Central Labor Union?

Mr. CARY. Yes.

Mr. OYSTER. Against the prohibition proposition?

Mr. CARY. Yes.

Mr. OYSTER. Not that I am aware of.

Mr. CARY. Then, on the referendum? On the referendum?

Mr. OYSTER. Oh, on the sixth. I think it was offered before that, and the Cary bill was introduced at the last meeting, and there was a resolution adopted, but it was a long resolution; I do not know just what it was, except to reaffirm the action of the Central Labor Union in indorsing the Cary bill.

Mr. CARY. And you opposed that resolution?

Mr. OYSTER. I did.

Mr. CARY. It was a large meeting, you say?

Mr. OYSTER. Well, not so very large; no.

Mr. CARY. There were only four votes against it?

Mr. OYSTER. I think the announcement was made of the vote. I think there were 28 for it and 5 against it.

Mr. CARY. My information is that there were 4 against it. Perhaps you are right.

Mr. OYSTER. I think I am giving you the correct figures. I will state that the Central Labor Union is made up of the representatives from more than 60 trades. Each trade has five delegates, so there would be 300 delegates if they were all present. About 35 was the total vote on this proposition, so that you can see that it was not a very large meeting of the Central Labor Union.

Mr. CARY. You claim that you have over 500 names on this petition?

Mr. OYSTER. Yes.

Mr. CARY. You said the other day that you thought that you had 1,000?

Mr. OYSTER. I do not think I said 1,000. The newspapers said so. I think I said between 700 and 800.

Mr. CARY. On the evening of the 8th you called a meeting, did you not, of the men who signed this petition?

Mr. OYSTER. I did not. Mr. Newsom is the chairman of the organization.

Mr. CARY. You were present at that meeting?

Mr. OYSTER. I was present at that meeting.

Mr. CARY. And nobody else besides yourself and Mr. Newsom?

Mr. OYSTER. Present?

Mr. CARY. Yes.

Mr. OYSTER. Oh, I think at the first meeting—

Mr. CARY. This is Wednesday, the 8th, that I am speaking of.

Mr. OYSTER. I think there were about 15, and at the other meeting, the Sunday meeting, there were about 35 or 40.

Mr. CARY. And this was Wednesday, the 8th?

Mr. OYSTER. No; this was Sunday, the 5th, I am speaking of.

Mr. CARY. Wednesday, the 8th, is the one I am speaking of.

Mr. OYSTER. Wednesday, the 8th, I do not think there was any meeting.

Mr. CARY. You called one, or somebody called one.

Mr. OYSTER. I do not think it was held. It was held on Sunday, February 4.

Mr. CARY. Did you appear?

Mr. OYSTER. No, because the Wednesday meeting was not held. It was held the Sunday before.

Mr. CARY. There was a Mr. Mills there, and he said there were only two there?

Mr. OYSTER. At the meeting?

Mr. CARY. Was not this the meeting you called?

Mr. OYSTER. No; Mr. Mills may have gone to the Wednesday night meeting, but it was understood that there would be no meeting. I do not know about that. But Mr. Mills was at the Sunday meeting when there were about 35 present. I think about 35.

Mr. CARY. What Sunday was that?

Mr. OYSTER. Last Sunday.

Mr. CARY. Last Sunday?

Mr. OYSTER. Yes.

Mr. CARY. That was before Wednesday, the 8th, was it not?

Mr. MAPES. Yesterday was the 8th.

Mr. OYSTER. Yes; the meeting was called for Wednesday, the 8th. Instead of that they called it for Sunday afternoon—I do not know the date of that Sunday, but it was the last Sunday—and so there was no meeting on Wednesday. If Mr. Mills went to that meeting, he went to a meeting that was not called or had been set aside. At any rate, Mr. Mills has signed the petition. Now, Mr. Chairman, in order to avoid any controversy about this petition, I want to say that this is a legitimate petition, signed by members of the labor organizations in good standing, who are tired of being dragged into this liquor fight every time the liquor traffic gets into a tight place. We object to that, and objected to their actions heretofore. My union has repudiated the action of the Central Labor Union on this particular question on numerous occasions, because we did not propose to have the great typographical union, composed of 1,800 men and women, with a membership larger by one-half, at least, than all the liquor labor organizations together, with only five delegates in the Central Labor Union, while the liquor interests have in that body four or five small organizations each one with five delegates, the same number that the great typographical union has, brought in, as I say, every time that the liquor question comes up, and the endeavor made to commit organized labor unanimously to the liquor interests.

Mr. LLOYD. What do you mean by the liquor interests? What associations are the liquor interests?

Mr. OYSTER. Why—

Mr. LLOYD. You have a bartenders' association?

Mr. OYSTER. Yes. There is a small organization of bartenders, and the brewery workers, and brewery wagon drivers, and bottlers. There are a number of small trades. Now, I make no point against these trades.

Mr. LLOYD. You mean each one of these trades has the same representation in this body as the typographical union?

Mr. OYSTER. That is right. I mean to say this: That an organization may not have more than 40 or 50 men, and yet it has the same representation in the Central Labor Union as mine, which has 1,800 members.

Mr. LLOYD. The same principle applies in the representation in the Senate and House of Representatives?

Mr. OYSTER. But the labor body is not represented here; and this is not the Senate; and it is not a fair comparison. That is not a fair representation, to start with, in the Central Labor Union, as regards

the great typographical union, and the carpenters' union, and the machinists' union, and the moulders' union, to have these organizations have only the same representation as a little bit of an organization with only 40 or 50 members, or some of them still smaller than that.

Mr. CARY. What provision have you thought of for these men you would throw out of work?

Mr. OYSTER. Mr. Chairman, if we had the time to go into the effect of prohibition in the States where it has taken effect, we would see how they get right over into some other business. That is why the organized working men of Colorado are for it. We have it from the labor leaders there, in the official organ of the Federation of Labor, that 80 per cent of the organized working men of Colorado to-day are for prohibition in Colorado after a trial of the effect of it on working people. I have the evidence here if I could read it, Mr. Chairman; but I know that we can not go into all these details. But I say this, that the effect of prohibition in the States where it has been tried has been beneficial in every way, and particularly beneficial to the labor classes and the women and children of workingmen.

Mr. MAPES. Have you the official organ of the labor people to show that?

Mr. HILLIARD. I have it in my office.

Mr. OYSTER. Yes.

Mr. MAPES. That is all right; Mr. Hilliard says he has it.

Mr. OYSTER. Yes. I was speaking of Colorado, but I have letters from prominent men here, for instance, one from the Hon. Richard Jones, who is a State senator in Minnesota, a member in good standing of organized labor. He is for prohibition, and he advocates it everywhere; and he, with other labor men, put Duluth, Minn., in the dry column, in a movement led by laboring men and labor organizations. Now we have a dry Alaska. Mr. Chairman, I have here the evidence to present.

In each of those States they have the right to vote. The people of the District of Columbia have not got the right to vote, to say whether they want it or not. I am not going to argue the question of the referendum until after those who favor that proposition have had their say. Then I shall ask for a short time to present a statement on the referendum under the conditions that prevail in the District of Columbia.

Mr. LLOYD. If the committee does not object, you can go ahead now and make your statement, and afterwards the committee can ask any questions they please.

Mr. OYSTER. Now, Mr. Chairman, in regard to this petition, there was a misunderstanding on the part of some of the people who handled the petition, as to the signers of it, and they allowed some men to sign who were outside of the unions, and some business men. They misunderstood the petition. But we have gone over that carefully, and taken out some sheets entirely where business men have signed, and have scratched off every possible name where there was any doubt about it. For instance, in the Government Printing Office, among typesetting machines there are casters and machinists' helpers, and some of the casters are members of the union and some are not. I have scratched off every caster from the list, regardless of whether he was a union man or not. But every name signed to the petition, and

these that are scratched off, were signed voluntarily by the people whose names are here, although we have scratched them off because this is a petition signed solely by members of organized labor, and for the reason that we did not desire any question about it. You will see here there is one page with more than half of them off.

Mr. CARY. So that every man there is a man carrying the union card?

Mr. OYSTER. Every man there is a man carrying the union card, and some that are not there are probably carrying union cards.

Mr. DOOLING. May I see that for a moment?

Mr. OYSTER. Certainly. Now, as I am here representing members of organized labor, and the claim has always been made that organized labor is practically unanimous for the saloon, and naturally against any regulation whatever of the liquor traffic, I come here to say that I am backed up by plenty of evidence that hundreds of working people, organized working people, members of the trades, are getting very weary of being represented, or misrepresented, by the liquor interests. Here is an article in the New Republic by Hon. Richard Jones, the gentleman I referred to. He says:

"It is my belief that 80 per cent of the organized working people of Denver and Colorado would vote against any proposition seeking to reestablish the saloon."

The above is from a letter just received from Mr. Clint C. Houston, editor of the Denver Labor Bulletin, official organ of the Colorado State Federation of Labor and the Denver Trades and Labor Assembly.

That Denver Trades and Labor Assembly is an organization made up on the same lines on which our Central Labor Union is made up, by delegates from the different local organizations.

Mr. Jones continued:

On last labor day the Bulletin had the largest labor day edition of any labor paper in the country.

It had 86 pages, and it didn't carry a single liquor advertisement.

Mr. Houston also states "That the Bulletin is making much greater success in dry Colorado than it did when the city and State were wet."

The following is from the American issue, of Westerville, Ohio.

Labor union sentiment in favor of prohibition is developing. Senator D. P. O'Neill of Thief River Falls received from the Brotherhood of Locomotive Firemen and Enginemen of his city a telegram urging him to vote for prohibition.

"The liquor traffic should be done away with speedily; eventually, why not now?" read the telegram.

I have here the following from the American Issue, Mr. Chairman:

Resolutions declaring for the immediate abolition of the liquor traffic and calling on its legislative representative to work for the enactment of prohibition were adopted at the biennial meeting of the New York State legislative committee of the Order of Railway Conductors. The order comprises 30 divisions and includes in its membership all the railway conductors in the State.

The resolutions say the time for prohibition is ripe.

Mr. Chairman, I have here in my hand an article taken from the Philadelphia North American, quoting from an editorial in the Allentown (Pa.) Labor Herald, which had been strongly against prohibition and in favor of the liquor interests, but which has now come out for prohibition.

Mr. CARY. Perhaps they bought him out.

Mr. OYSTER. What is that?

Mr. CARY. Perhaps there was more money on that side.

Mr. LLOYD. I do not think there is any question about it that if you will wait until we have prohibition we will have more money in the country.

Mr. OYSTER. Mr. Chairman, does the gentleman think that there is more money for corruption on the side of prohibition than on that of the liquor interests?

Mr. CARY. I think they have plenty of it. Perhaps the moonshiners are donating a dollar a gallon.

Mr. MAPES. You did not read that which you referred to last, Mr. Oyster.

Mr. OYSTER. From this labor paper?

Mr. MAPES. Yes. Is it long?

Mr. OYSTER. This quotes a part of it in black type.

Mr. MAPES. Will you read that, please?

Mr. OYSTER. Could I not put it in the record, if you would like to have it there, instead of taking the time to read a long article? I can read the gist of it.

Mr. LLOYD. Mr. Oyster, it is understood by the chairman of this committee, and that is the instruction he gives to the committee, that the reporter shall not put anything in the record that you have not stated.

Mr. OYSTER. Well, then——

Mr. LLOYD. That is right, is it not, Mr. Cary?

Mr. CARY. From now on, you mean?

Mr. DOOLING. Any time.

Mr. CARY. Pardon me; you say any time during this meeting; from the beginning of this meeting?

Mr. LLOYD. Any time during the hearings, that the reporter is required by the chairman of this committee, Mr. Johnson, to make an exact report of what the individual says, and nothing goes into the record that he has not said.

Mr. CARY. Oh; that is all right.

Mr. OYSTER. Well, then, I will just read a paragraph of this, the opening paragraph:

ALLENTOWN, PA., *January 14.*

An overdose of liquor influence in labor union affairs has driven the Allentown Labor Herald, official paper of the labor movement in this city, published by David Williams, right over to the side of prohibition. The flop is a big one, for the Labor Herald has been a conspicuous defender of the liquor trade.

In the editorial he says:

We have fought against local option and prohibition until, like old St. Paul fighting Christianity, we have had our eyes opened and found we were on the wrong side. And we have no hesitancy in saying that since we have found out "where we are at" we intend to use the future to remedy any mistake we have made in the past, and rectify, if possible, any harm that we have done.

Again he says:

The editor of this paper believes that intelligent women should be accorded the same rights at the ballot box, at least, as some drunken, ignorant bum, and for this reason these "class-conscious" bartenders who would sell out their union for a cheap non-union cigar or support an antilabor political candidate in return for a smile from some gang politician have opposed us bitterly.

The complaint of this paper was that the bartenders' union, or the head of the bartenders' union, in Pennsylvania, supported a man who had been branded as an enemy of labor for some political position

in the State, and that was the last straw that broke this labor paper's back, and they came right over on the prohibition side.

Mr. Chairman, I have here some articles showing the activity of members of labor organizations in Michigan and in Kansas and in some other States.

Senator Richard Jones, of Minnesota, will speak on Union Labor versus The Liquor Traffic. L. C. Lewis, a Columbus labor advocate, will also speak on labor's relationship to the liquor traffic.

* * * * *

L. J. Tabor, master of the Ohio State Grange, will speak on the subject "The Farmer and the Fight."

Here is another quotation showing the good effect of prohibition:

LABOR MAN PLEASED.

SAYS ACTION OF WORKERS HAS GOOD EFFECT IN THE STATE CAMPAIGNS; UNIONISTS NOT READY TO SERVE LIQUOR INTERESTS.

One of the prominent dry workers in the Nebraska State-wide dry campaign was I. J. Copenhavre, one of the most influential leaders in the State.

Mr. Copenhavre has received a letter from Frank J. Pulver, formerly president of the Denver Typographical Union and an official of the international union, praising the results of the State-wide dry law in Colorado.

In the letter from Mr. Pulver he says:

In my opinion the trades-unionists of the country—or a portion of them at least—have demonstrated that no longer will they play second fiddle to the liquor interests.

The result of the labors of our fellow unionists in Michigan and Montana are quite as gratifying as those in Nebraska.

* * * * *

Yet, at the recent convention of the Western Federation of Miners in Great Falls, the delegates, by a tremendous majority, declined to indorse the resolution dished up to it by the saloon interests. And take it from me, this had some effect in the Montana campaign.

I am still open to conviction, and any of our wet union friends who can show me where the liquor interests have ever done anything (except to make trouble) for the general labor movement I will give it consideration.

I am in the same position, Mr. Chairman, if anybody can show me the benefit that alcoholic liquor has done to any man, woman, or child, and particularly organized labor, I am willing to consider that question with him.

I have here an extract from the New Republic of October 20, 1916:

DETROIT UNION LABOR MEN ORGANIZE TO FIGHT FOR MICHIGAN STATE WIDE.

HOLD DRY MEETING IN FRATERNITY HALL FOR BOOSTING PROHIBITION—HEAR SENATOR JONES, DULUTH LABOR LEADER.

DETROIT, MICH., October 14.

Union labor men of this city have organized in the fight against John Barleycorn, and the Trade Union Dry League of that city, with an initial membership of 100, will take an active part in the campaign to put Michigan dry on November 7.

Frank X. Martel, of the typographical union, is the president of the new organization, and is also one of the best known trade unionists in the State of Michigan. Charles H. Black, financial secretary, and F. K. Harris, electrical workers' union, is treasurer.

They adopted strong resolutions in favor of prohibition.

Now, Mr. Chairman, we are told by the liquor interests that the people there are just waiting to get a chance to swipe prohibition as soon as the law goes into operation. As soon as they see the ruin

and havoc made by prohibition they will immediately go back to the saloon and the liquor traffic. I have in my hand here some other matter from the New Republic. Somebody said: "How about Seattle?" I have some official figures from the State of Washington on the proposition to return to the liquor traffic in that State, under what was called a brewery bill. When the State of Washington went for State-wide prohibition about a year and a half ago the city of Seattle gave 12,000 majority against State-wide prohibition. The city of Spokane gave 1,500 majority against prohibition. The city of Tacoma gave 2,300 against State-wide prohibition. The sentiment outside of the cities was so strong that it carried the State. In the State of Washington the liquor interests succeeded in getting two propositions on the ballot to be voted on last November, and one was called the "brewery bill." I do not know what that was, but the liquor interests wanted it. Now, what has happened? We are told that the people want the liquor traffic after seeing the effects of prohibition. This is what happened. I will give Senator Jones's figures, because he gave them from the official figures of the State. On the brewery bill the vote was 98,843 for and 245,399 against it, a majority of 146,556 in the State against returning to the open saloon, or giving the brewery interests a chance to put out their beer. That was the most innocent amendment they could put on and get before the people; yet by a majority of 146,556 they rejected the brewery bill.

On the other proposition the vote favoring it was 48,354 and the vote opposed to it was 263,390. The majority was 215,036 against that prohibition State returning to the grip of the liquor traffic.

Mr. HILLIARD. Does it give there the vote of those particular cities?

Mr. OYSTER. Oh, yes; I forgot to read that.

The city of Seattle reversed itself. In 1914 Seattle went wet by 15,000; now the city rolls up a dry majority of 20,000. It gave a greater majority against returning to the old system than it gave in favor of going from it.

Spokane went wet in 1914 by 1,500 majority; now the city goes dry by 12,000.

Tacoma went wet in 1914 by 2,300 majority; now the city goes dry by a majority of about 10,000.

I want to say, Mr. Chairman, that it is evident to my mind that the organized working people of those cities, seeing the benefit of prohibition to themselves and their families and to the public generally, switched around and stood to maintain prohibition in the State of Washington. I do not have a particle of doubt, Mr. Chairman, that labor interests and the laboring people had a great deal to do with reversing the majorities on that question in those cities.

Mr. DOOLING. Referring to your petition, do you mean to have us understand that each individual has signed his own name where it appears here, or that one or two men signed the names collectively?

Mr. OYSTER. I mean that every man signed his name to that petition.

Mr. DOOLING. It looks to me as if 8 or 10 people had signed all those names there.

Mr. OYSTER. Which names do you refer to?

Mr. DOOLING. I have seen several there. Do I understand that you say every man signed his own name there?

Mr. OYSTER. Yes.

Mr. DOOLING. It looks to me as if 8 or 10 men had signed all the names on that petition.

Mr. OYSTER. The gentleman is entirely mistaken. The union men do not do that kind of business. Even if a man did sign a man's name for him in the Printing Office, with his hands soiled as they often are, he was authorized to sign it. A man might say "That is all right, and I authorize you to sign my name;" and if there is a name there that is not signed by the man himself, the man who signed it had the authority right then and there to sign it for him.

Mr. DOOLING. You intend to leave with the committee, do you, this petition, and all that you have there?

Mr. OYSTER. Yes. These papers [indicating].

Mr. DOOLING. Yes; I would like to have them.

Mr. OYSTER. This is submitted to the committee, or the House of Representatives through this committee, and of course it will be left here.

Mr. DOOLING. I would like to look them over.

Mr. OYSTER. Yesterday Mr. Cooper of Ohio, who is a member in good standing of the Brotherhood of Locomotive Engineers, gave me this information. I knew they had adopted something, and I asked him about it.

In June, 1915, in national biennial convention assembled in Cleveland, Ohio, the Brotherhood of Locomotive Engineers unanimously passed a resolution going on record as being in favor of State and National prohibition of the liquor traffic. At the same convention the delegates to this organization from Canada immediately went into conference and indorsed the action of the delegates from the United States.

The organized working men of Canada, or a large number of them, including the Brotherhood of Locomotive Engineers, are taking part now in placing Canada on the dry list, and those of you who read the papers as to what Canada is doing in that regard know just what is happening there. That information was handed me by Representative Cooper.

Mr. CARY. Which Representative Cooper?

Mr. OYSTER. Representative Cooper of Ohio, the member of the Brotherhood of Locomotive Engineers, who left his engine, Mr. Chairman, to come to Congress, and continued after his election to handle his engine until it was about time for him to come on and take his oath as a Representative, and who has been reelected, Mr. Chairman.

Now, these are letters received by Mr. Cooper from prominent labor men in Colorado. Here is the letter which I will read:

THE TRADES AND LABOR ASSEMBLY, DENVER, COLO.,

Mr. Thornton is president of the above organization.

Denver, Colo., December 27, 1916.

Mr. CROSSER. What association is that?

Mr. OYSTER. The Trades and Labor Assembly of Denver, Colo. Mr. Thornton is president of that organization. That body is made up similarly to our Central Labor Union, by delegates from the differ-

ent trades. This is a letter addressed to Mr. Cooper. It reads as follows:

THE TRADES AND LABOR ASSEMBLY, DENVER, COLO.,

Mr. Thornton is president of the above organization.

DENVER, COLO., December 27, 1916.

MR. JOHN G. COOPER, M. C.,
House of Representatives.

MY DEAR MR. COOPER: Yours of recent date in re my opinion on prohibition in Colorado to hand.

I might state primarily that I voted against prohibition. In my humble opinion, the workers of Denver and Colorado are a lot better off mentally, morally, financially, and physically than they were when the State was "wet." True, it hurt the trades which depended on the liquor traffic to keep them going, but it can be safely said that business this year is 50 per cent better than it was last year, and as a consequence those who were employed in the liquor traffic here gradually became engaged in other more legitimate lines of endeavor. You can not gather together in this city a good-sized "company" who would proclaim openly for the return of the saloon. It is gone forever in Colorado, and for my part I say, "Good riddance." We are all better off without it, as I stated before, for it never did anybody any good.

He makes a personal allusion here. He says "Please give my regards to Mr. Ben Hilliard, if possible."

Then he concludes:

Anything further I can do for you, Mr. Cooper, I am yours to command.

MR. CROSSER. Did you read a letter from Ontario, Canada, stating that the Province of Ontario had prohibited the liquor traffic?

MR. OYSTER. No.

MR. CROSSER. Is not that what I understood you to say?

MR. OYSTER. No.

MR. CROSSER. I thought that you did.

MR. OYSTER. No; I simply referred to the action taken by the locomotive engineers.

Here is a letter signed by Chester J. Common, who is the president of the Denver Building Trades Council. This letter is as follows:

DENVER, COLO., December 27, 1916.

MR. JOHN G. COOPER,
Congressman, House of Representatives,
Washington, D. C.

DEAR SIR: Your letter of recent date asking my opinion on prohibition in Colorado received, and I am glad to give you any information that I can on this subject, and you are at liberty to use it in any way that will help prohibition.

Having been a drinking man myself for many years, I, like a great amount of people, was against prohibition, thinking it would be harmful in a general way. However, after the last three months I began to see the benefits it was bringing to the men of labor and their wives, children, and dependents. More efficiency in the men and far more happiness and contentment for everyone; and now after 12 months I am absolutely of the opinion that prohibition is the proper thing and has come in Colorado to stay.

Hoping this is a satisfactory reply to your question, and wishing you and your colleagues on the labor committee every success, I am,

Fraternally, yours,

CHESTER J. COMMON,
1340 South Downing, Denver, Colo.

As I said, Mr. Chairman, I hope that the positions that these men hold goes in. He is president of the Denver Building Trades Council. And I want to say, Mr. Chairman, from my knowledge of labor organizations, that no head of an organization would dare to take

that stand unless he was well aware of the fact that he was backed up by his organization.

Here is a letter from the editor of the Denver Labor Bulletin, the official labor organ of the State of Colorado. This letter is as follows:

DENVER, COLO., December 26, 1916.

HON. JOHN C. COOPER,

*House of Representatives Office Building,
Washington, D. C.*

MY DEAR MR. COOPER: Replying to your letter of the 21st instant, inviting my opinion as to the effect of prohibition in Colorado upon the working people of the city and State, I am pleased to give you the substance of a letter written by me some three months ago which was used in the antisaloon crusades successfully conducted in Nebraska and Michigan. This letter was written to a Mr. John Josselyn of Gothenburg, Nebr., from which I quote as follows:

"You ask about the effect of prohibition in Colorado, so far as it affects the working people. The law in 9 months has worked a wonderful revolution for good; and at least 75 per cent of the union voters who were against the amendment would support it now. The wage earners have ceased to spend their money for booze, and are buying bread and clothing for their families. I would say on the whole the condition of Colorado working people is at least 50 per cent better as a result of State-wide prohibition, and the city of Denver is a great deal more prosperous. All the storerooms vacated by saloons are now occupied by legitimate enterprises, and the citizens only wonder why they tolerated the booze joints as long as they did. The increase in savings deposits has been remarkable and the merchants report collections from 40 to 60 per cent better.

"It was claimed by the liquor interests that prohibition in Colorado would ruin the summer tourist business in Colorado. As a matter of fact statistics of the Denver Tourist Bureau show that during the past summer the number of tourists visiting and remaining one week and longer in this State was almost double that of any previous year. It was further shown that at least 75 per cent more money was spent in the State by tourists than during any season on record. This notwithstanding the absence of saloons and the 'dryness' of hotels. Plans are now under way for the erection of several additional large tourist hotels in this State.

"Take the bulletin as a concrete illustration. It was prophesied by our 'wet' friends that a labor paper couldn't exist in a dry town. We lost about \$50 a month in liquor advertising, and some 350 bartenders and brewery workers subscribers. To-day we are doing four times the advertising business and have five times the number of subscribers as when Denver had 350 saloons and 5 breweries in operation. Besides, the subscribers and advertisers pay their bills much more promptly and we don't have to degrade ourselves by 'settin' 'em up' to a lot of bar-room flies when we collect a bill.

"One of the notable improvements is the decrease in crime of every grade. There hasn't been a murder in Denver since the saloons were driven out, whereas hitherto the record was from one to five a month. The city has been ridden of bums, pick-pockets, and badger gangsters. In fact, it is much more of a privilege than ever to live in Colorado, and other States will find the same cause for congratulation when they drive the saloons and breweries from their border, and I used to be a pretty good patron of the liquor business myself."

Now, that is the end of the letter that he has written, and he goes on:

"During the past year, the first of State-wide prohibition in Colorado, the wage earners have been especially prosperous. Merchants in Denver report new high records for sales. The week preceding Christmas the banks of Denver paid out over half a million dollars to members of Christmas savings clubs, practically all of which had been deposited by wage earners. It is needless to say that this large sum was in a great measure accumulated by reason of saloons being abolished on January 1, 1916."

It is my opinion that the abolishment of saloons in America would do as much to advance the wage earner as has organized labor. At the recent November election there was on the ballot in this State a proposition known as the "beer amendment," which would permit the manufacture and sale of beer in this State. It was defeated by a majority of 85,789. I would say that fully 80 per cent of the organized labor vote in Colorado went against this "beer amendment," and among the 50,000 members of trade and railway labor organizations in this State it would now be a rare exception to find who would declare himself or herself in favor of rehabilitation of the saloon.

Trusting this information will serve the purpose requested in your letter, I am,

Fraternally, yours,

CLINT C. HOUSTON, *Editor.*

This paper, as I stated, is the official organ of the labor organizations of Denver, and the State of Colorado.

Mr. HILLIARD. If you will permit an interruption, and the chairman allows, I would like to say that I know these editors of the Labor Bulletin. They are splendid men, they are competent editors, they run a great newspaper, and the matter you have read appeared in their paper in a recent number as an editorial, somewhat amplified. I had thought I would bring it here, possibly, for the information of the committee, but it would seem now that the introduction of the editorial into the record would not be necessary; and I am glad, as the Representative of Denver, to bear testimony to the good character and qualities of the men who edit the Denver Labor Bulletin.

Mr. CARY. May I ask Mr. Oyster a question, if you please?

Mr. OYSTER. Yes.

Mr. CARY. Have you any letters there from the State of Maine, or the State of Wisconsin, or any of the Southern States on this subject?

Mr. OYSTER. No; I do not know that I have. We have something here in one of these papers in regard to the action of a prominent labor man somewhere in the South, who has taken a prominent part in the movement in the South. But, Mr. Chairman, when the gentleman asks that question, I want to say this: When the Jones-Works bill was up in the Central Labor Union and a motion was made to send their committee on legislation before the Senate committee, which was then holding hearings, to protest against any change whatever in the excise laws of the District of Columbia, I opposed that motion, and I was pointed out by these men as the only division in the labor ranks on this question; that we were all in favor of the saloon and all opposed to any change of regulations other than we had in our disgraceful excise law prior to the passage of the Jones-Works bill.

Mr. MAPES. Did they oppose the passage of the Jones-Works bill?

Mr. OYSTER. They did; and not only—

Mr. MAPES. What is their attitude toward that now?

Mr. OYSTER. I have an idea what their attitude toward that is. I think I know; but I do not want to be a mind reader now. I want to give what has taken place among workingmen that we know. We do not have to read their minds about it. But I want to say that at the Central Labor Union at that time the argument was made that prohibition could not be enforced; that there was more liquor drank in prohibition States than in States with the wide-open saloon; and I think a half a dozen of the delegates reasoned it out that way. When I got the floor I said: "Mr. President, we are told that there is more liquor drank in prohibition States than in States with the wide-open saloon. I have always understood that the brewers brewed beer to sell and the whisky distillers distilled whisky to sell, and they even sell it to minors and to women and young girls, which is prohibited by law; but," I said, "if your statement is true that there is more liquor drank in prohibition States than in States where the liquor traffic is controlled, then as a business proposition, why are not the brewers and distillers in favor of prohibition, if it increases their business?" Mr. Chairman, I am not deceived by any such specious argument as that.

Mr. CARY. The point in that case is that it is the whisky that is made by moonshiners which the Government gets no revenue from; and you take the Government report, and it will bear that out.

Mr. OYSTER. I will say to my friend Mr. Cary that nearly all of the whisky is what workingmen term "scab" whisky, made by non-union men.

Mr. CROSSER. It is what?

Mr. OYSTER. It is scab whisky.

Mr. CROSSER. Made by the moonshiners?

Mr. OYSTER. No; by the big distillers, in the State of Kentucky. The labor people now are demanding recognition in the State of Kentucky.

Mr. MAPES. You mean it is made by nonunion labor?

Mr. OYSTER. Yes; that is what I mean. One of the gentlemen in the Central Labor Union who testified was a gentleman named Feeney, who had been president of the bookbinders' union, and after he made that argument I met Feeney a few weeks ago on the street, and he said, "Oyster, I have been in Kansas; I spent six weeks in Kansas, and I went through the State from one end to the other, and I tried my best to get somebody to pilot me to a bottle of whisky." He wanted to demonstrate that he could get liquor there. He said, "Not only was I not able in six weeks to get a bottle of whisky anywhere, but I could not find anybody that could tell me where I could get it. I did not see a drunken man in the State of Kansas, and I spent six weeks there." I told him to go to the Central Labor Union and make that statement—he did not have to make it to me.

Mr. JOHNSON. I did not understand just what point you were making when you spoke of whisky being made by nonunion labor.

Mr. OYSTER. I mean they are not members of the labor organization. They have no organization.

Mr. JOHNSON. But the point I failed to catch is what bearing it has upon this question.

Mr. OYSTER. Well, Mr. Chairman, the question of labor is up, and the liquor interests claim to be the especial friends of organized labor, and on every provocation, big or little, they come forward and ask the help of organized labor to maintain their traffic.

Mr. JOHNSON. I am satisfied that there is more straight whisky produced in my home county in Kentucky than in any other county in the United States, and every gallon of it is produced by nonunion labor.

Mr. OYSTER. Yes; that is it. The organizations now in Kentucky are asking for recognition.

I have here a letter from a member of the Industrial Commission of Colorado, dated December 28, 1916, which is as follows:

THE INDUSTRIAL COMMISSION OF COLORADO,
Denver, December 28, 1916.

HON. JOHN G. COOPER,
House of Representatives, Washington, D. C.

MY DEAR MR. COOPER: It is a pleasure to comply with your request for information about the results of prohibition in Colorado. The Nation has been lied to so flagrantly and persistently on this matter that I welcome a chance to state the truth through such an influential channel as you offer.

Summing up in one sentence, the plain truth is that the success of prohibition in Colorado exceeds the fondest predictions and expectations of its most ardent supporters.

In the early days when we were fighting for prohibition in this State and the saloon was enthroned in power everywhere, the favorite arguments of the "wets" were these:

1. That prohibition would result in a general business depression in all lines.

2. That specifically it would result in throwing thousands of people out of work and leaving hundreds of our store buildings empty and in practically stopping the tourist travel to Colorado.

3. That the drinking of liquor bore no relation to crime, and that there would be more crime and more arrests for crime under prohibition than under the saloon.

These were the arguments which defeated us in the early fights. Without a single exception, they have been utterly shattered by the results under prohibition. There is not a prominent public official or business man in the State of Colorado who will not now admit this.

Taking up these arguments in turn and the results which have furnished the answer to them, we will look first at the business side of the matter.

Instead of a general business depression in Colorado since prohibition went into effect, we have enjoyed the greatest prosperity the city and State has ever known. This is verified by the weekly reports of Dunn and Bradstreet in every line of business and by the bank clearings of Denver, which have practically doubled, and by the unprecedented industrial activities throughout the State. As a member of the industrial commission, I am in the closest touch with all branches of industry and can state reliably that the wage increases under prohibition have never been equaled in the history of our State and that these increases amount to millions of dollars. The beneficial effects of prohibition to laboring men are so conspicuous that it is a matter of general comment throughout the State.

Instead of empty stores in Denver, we had our store buildings filled up so rapidly that we now have fewer vacant buildings than ever before, and never have we had so few men out of employment as now.

Instead of prohibition resulting in the tourists refusing to come to Colorado, our tourist travel to Colorado last year was double that of any previous year in the history of the State. The argument which the "wets" made, to the effect that no tourist would drive an automobile up a mountain highway unless he was tanked up with intoxicating liquors, is about the silliest piece of moonshine ever invented, and it has been blasted by the facts. The other false assumption of the "wets" was that if a man could not spend a dollar in a saloon he would never spend that dollar anywhere else.

On the question of crime, the success of prohibition is possibly even more satisfying than any other phase of the policy. The arrests in Denver alone have decreased nearly one-half during the past year.

Every assertion that I make above is based upon absolute facts. I am sending you data covering the questions of arrests and business conditions to verify the statements I make.

To my mind, the two most striking facts, which show the success of prohibition are:

1. The fact that this year all political parties in Colorado declared for prohibition without reservation or qualification. I know of no group of bodies of persons that can so quickly and unerringly detect the failure or success of a policy as that group of persons who control a political party.

2. The remarkable vote which Colorado has given against the liquor traffic. I submit a table showing the successive votes on the question of prohibition in Denver and Colorado and the progressive trend of this vote toward prohibition, culminating as it does in the overwhelming majority of this year against the beer amendment, presents to my mind an unanswerable argument. When the people voted on the beer amendment in Colorado this year, it must be remembered that they were not voting for the return of the open saloon. If that had been the issue, the majority against the saloon would have been greater, but the liquor interests knew that they did not dare to present a proposition for the return of the saloon, so they offered a much milder proposition, and the 85,000 majority against it speaks in trumpet tones for the success of prohibition in Denver and Colorado. The table is as follows:

Votes in Denver.—1910, Denver voted wet by 17,000; 1912, Denver voted wet by 22,000; 1914, Denver voted wet by 8,500; 1915 (home-rule amendment), Denver voted wet by 3,500; 1916, Denver voted dry by 10,960.

Votes in Colorado.—1912, Colorado voted wet by 40,000; 1914, Colorado voted dry by 11,500; 1916, Colorado voted dry by 85,789.

The figures in some cases are exact and in others approximate, but they are so nearly exact that the table may be given as an approximate one, substantially showing the change in sentiment.

Very truly, yours,

WAYNE C. WILLIAMS.

Data inclosed.

Mr. CROSSER. When did prohibition go into effect in Colorado? Do you know?

Mr. OYSTER. The 1st of January, 1916. They have had one year's trial, about. Colorado and Denver have refused to reverse the vote on this proposition.

Here is a letter from Otto F. Thum, who has been one of the most prominent labor leaders and union organizers for years. He writes as follows:

THE UNION PRINTING & PUBLISHING CO.,
Denver, Colo., December 28, 1916.

HON. JOHN G. COOPER, M. C.,
Washington, D. C.

DEAR SIR: I have your letter of the 21st. You ask for information as to my opinion of prohibition in Colorado and (2) what effect it has on the working people of the State and of the city [of Denver].

(1) My personal opinion is likely to be prejudiced and warped by my own inclinations. I have been a life-long teetotaler and have for many years been opposed to the open saloon and opposed to the traffic in liquors of all kinds. When a member of the city council three years ago in Denver I voted against an ordinance to license saloons, largely because I am opposed to the Government deriving taxes from such sources; but, temperance man that I am, I must say that the benefits that we have derived since we abolished the saloon are vastly greater than I had any reason to hope for. I am not alone in this. It is a conclusion that you hear on all sides reached by men in every walk of life—professional, business, and labor.

(2) In reciting the effect the new law has on the working people of the State I can truthfully begin by saying that the things that the liquor interests (and with them the banking and business interests) said would happen to labor and to business never happened at all. They said thousands of laboring men would be thrown out of employment if the saloons were closed. They said the brewery workers unions would be destroyed, that the plumbers would find less work; that the cooks and waiters would walk the streets; that the musicians would find no jobs; that the barber chairs would be empty, and lastly, that the rooms occupied by saloons would remain empty "till the crack of doom and 40 days more."

Our law closing the saloons went into effect just one year ago, and we can come to a pretty fair conclusion as to what actually did happen. In the first place thousands of workers were not thrown out of jobs. In fact there wasn't even a ripple of that kind. The brewery workers have lost one branch (the brewers). There are no brewers employed in Colorado, and those either found other employment, else went to other States to work at their trade. But the drivers, the stablemen, the bottlers, and the engineers, all connected with the brewers' and malsters' international, find just as much work in their own line as before. The bottlers work on soft drinks, and the drivers deliver the goods as before. The engineers are all employed. So we find no unusual conditions here. The plumbers and pipe men have more members and more men at work than ever before. And the cooks and waiters are so astonished at what has happened that they are all prohibitionists now. When the saloons were closed patrons immediately began to eat in a natural way, and the culinary trades have benefited probably more than any others. The musicians were wont to play engagements in saloons. Now nearly twice as many of them are engaged in the moving picture-houses. (You can readily see that there has been a shift of employment in the amusement fields. We now have a strong Moving Picture Operators Union which was not possible before, because not so many persons patronized the movies.) And the barbers—they are all tickled at the increased trade. Really, you have no idea till you experience the results, how much money was released to go into legitimate channels of trade as soon as the saloon keeper got off the working man's back. Milk dealers and grocery stores are the most benefited by this result.

We had about 600 saloons in Denver a year ago, and when they closed many of the rooms were empty. Some were kept open as soft-drink parlors, but most of them were rented at once by other and entirely different classes of business, in many cases at a somewhat smaller monthly rental, but the absence of the saloon made it possible to rent other rooms in the same block for more money. This is so palpable that it is a wonder that the owners never saw it before. Many of the rooms occupied by saloons are yet empty and will likely remain empty for a long time, as they were mere hovels and not fit for anything but saloon bums, of which we have no more.

Some workers have left Colorado on account of prohibition—they personally detest the idea of prohibition, and would not stay in "gay Paree" under that rule. But Denver has grown during the year, both in population and materially. So I should say, without hesitation, that a dry Denver has been of vast benefit to the city; that a dry Colorado has been of vast benefit to the State.

Yours, fraternally,

OTTO F. THUM.

Mr. LOBECK. How many saloons did you say Denver used to have, 6,000?

Mr. OYSTER. I did not say that. The letter says 600.

Mr. LLOYD. You read it 6,000.

Mr. OYSTER. Oh, then I made a mistake. I did not want to give that impression.

Mr. Chairman, very briefly, I want to say why this petition was thought necessary. As I said before, the liquor interests always rush for help to the labor organizations, and on several occasions the Central Labor Union has sent committees to Congress against prohibition, against any regulation whatever in our excise laws, and now they have instructed their committee to come here to support a measure that is now pending. I do not know that it is before this committee; I do not think it is; but it is Mr. Cary's bill.

Now, I want to call attention to the fact as to why we think it is necessary to come here as organized workingmen to protest against some of the things that have been said by some representatives of organized labor, and claiming that they were speaking unanimously for the labor organizations, on the liquor-traffic side.

Mr. CARY. Mr. Oyster, right there, just to give the proper impression, perhaps some of the members of the committee would like to know: Are you now working at your trade?

Mr. OYSTER. No, sir.

Mr. CARY. The typographical trade?

Mr. OYSTER. No.

Mr. CARY. What is your position now?

Mr. OYSTER. I am at present on the board of assistant assessors of the District of Columbia.

Mr. CARY. You are in the pay of the District of Columbia?

Mr. OYSTER. Yes.

Mr. CARY. You draw pay for these days while you are up here?

Mr. OYSTER. I have been excused and have permission to be away.

Mr. CARY. By the commissioners?

Mr. OYSTER. By the head of my office.

Mr. CARY. I presume he had to get permission of the commissioners?

Mr. OYSTER. I have no idea as to that. The only thing I want to say is——

Mr. CARY. How long is it since you have worked at your trade?

Mr. OYSTER. The only thing I want to say is that my work is not being neglected; that I put in extra time enough in my office to make up for the time I am away.

Mr. CARY. How long is it since you have worked at your trade?

Mr. OYSTER. 1897.

Mr. CARY. Twenty years.

Mr. CROSSER. You still belong to your union?

Mr. OYSTER. Oh, yes. I have carried a paid-up union card for 50 years.

Now, as that question is brought up, Mr. Chairman, I want to say this: I have been a member of the typographical union for 50 years, and I have taken an active part in all the labor-union movements in the District and in labor legislation before Congress. I was president of the Federation of Labor Unions in Washington for about five years. I was chairman of their committee on legislation, which put through the eight-hour law of August 1, 1892, and I represented them before Congress and made the arguments before the committees. I secured the pen with which Speaker Crisp signed the bill when it passed the House, and the pen with which Vice President Morton signed it when it passed the Senate, and the pen with which President Harrison signed it to make the bill a law, and I have resolutions passed by labor organizations thanking me for the services I have rendered to organized labor since I have been in Washington.

I do not want to go into a personal matter, but for my friend's benefit I will hand him my record. It is a record, Mr. Chairman, that I do not have to run away from, and never did run away from. It is a record that I am proud of, both as a citizen and as a member of labor organizations, and I challenge any man to put his finger on one single thing in all my connection with organized labor that has not been for the benefit and the uplift of my fellow men.

Mr. CARY. Nobody challenged your record. I merely asked what your position was now; whom you are working for.

Mr. OYSTER. I understand, Mr. Chairman. I do not mean to say that the gentleman is making an insinuation, but that document was gotten out after the passage of the Jones-Works bill to meet the insinuations of men who did not know what my record was in the labor movement. [Indicating pamphlet.]

Mr. Chairman, when I was head of the labor organizations here we did not indulge in this liquor-traffic business. We were putting free text books into the public schools. I was on the committee, and I want to say that the labor organizations secured free text books in the public schools against the opposition of the then District Commissioners.

I worked for the mechanics' lien law, to prevent men from being defrauded of their wages, and we put that law on the statute books.

I was one of those who worked for the repeal of the law permitting the importation of foreign labor under contract, and for Chinese restriction; and in every case where it was for the benefit of organized labor I have come to the front and have carried the union flag into the Capitol and into the White House, and into nearly every department of the city; and I never trailed it in the dust, either, or in the slime of the saloon, Mr. Chairman. I give that, my record, because it has been called for.

Now, Mr. Chairman, I want to say that in 1908 there was a prohibition bill pending in Congress, the Sims bill. The Central Labor Union then sent its committee up to oppose that measure, and one of the statements made there by one of the representatives of the Central Labor Union at that time was that there were 33,000,000 drinks taken yearly in the Capital. I might as well state, Mr. Chairman, that this statement was made by the present chairman of the committee on legislation of the Central Labor Union, Mr. F. J. McCarthy, and this was the account of it as given in the Washington Times on May 6, 1908. I was present at the hearing and heard the statement

made and know that it is practically correct. I read from that article as follows:

Every year in Washington 33,288,000 drinks are taken in the saloons, according to the testimony given to-day by F. J. McCarthy, of the Central Labor Union, before the House District Committee at a public hearing on the Sims bill for prohibition here. Mr. McCarthy, who said he also represented the bartenders' league, spoke against the bill, saying:

"The American saloon is the poor man's club. It is the nearest approach to absolute democracy in this country. The saloon is the greatest college, without books, in the United States. There is more good in the saloon than is dreamt of in our philosophy. Its ultimate goal is true temperance.

"What do you think of the treating habit?" asked Mr. Campbell of Kansas. "Don't you think it would be a good thing to do away with it?" It makes people drink more than they naturally would.

"My experience," answered Mr. McCarthy, "has not been such that I can affirm that proposition. But I want to call your attention to the fact that prohibition in the District of Columbia would mean that over 3,000 people would lose their constant employment, their means of making a livelihood. These people now have a yearly wage that totals more than \$2,000,000."

And when asked a further question by Mr. Campbell, he replied as follows:

"How do the wives and families of organized labor feel on this proposition," asked Mr. Campbell of Kansas.

"They are against prohibition," replied the speaker. "My information is that 99 per cent of all the people in labor circles are opposed to prohibition."

Mr. Chairman, statements like these made it necessary that those who do not believe in that proposition, who do not believe that the saloon is a poor man's club and a college without books, should come here before this committee and let them see without any question that a large number, at least, of organized labor is not only opposed to the saloon but is in favor of prohibition.

Now, when the Jones-Works bill was under consideration it was not a prohibition bill; it was simply a bill to reduce the number of saloons in the District, and the Central Labor Union then adopted this resolution. The resolution of the labor union on the Jones-Works bill reads as follows:

Whereas the Central Labor Union of the District of Columbia since 1908 has recorded itself against prohibition and other measures before the Congress of the United States affecting the present excise laws; and

Whereas we believe that the proper enforcement of the present laws covering the liquor traffic are sufficient and satisfactory to our needs and requirements: Therefore be it

Resolved, That our legislative committee be instructed to appear before the subcommittee of the Senate Committee on the District of Columbia for the purpose of informing the said committee that organized labor is opposed to the contemplated changes of the present law.

Mr. Chairman, I went before the Senate committee in my individual capacity and favored that law.

Mr. JOHNSON. It has been suggested by a member of the committee that you make your argument as concisely as you can, for the reason that you now have had an hour and a quarter.

Mr. OYSTER. I propose now to be as brief as I can, Mr. Chairman, although I might continue for several days.

Mr. JOHNSON. That is what I was anticipating.

Mr. OYSTER. No; I understand. I have no desire to spread it out.

As I say, I was pointed out as the only member of the Central Labor Union—I was a delegate to the Central Labor Union then from my union and I am a delegate now from my union to the

Central Labor Union—who stood up and voted against these propositions; and they endeavored to show that organized labor, outside of myself, was unanimous against any change in our excise laws and against the Jones-Works bill. I was questioned as to the effect of the action of the Central Labor Union on the other local bodies. Mr. Harvey, now dead, who represented the liquor interests, a very fine gentleman, asked me what the effect would be, whether it was not binding on the other organizations notwithstanding it had not been referred to them for a referendum vote. I read as follows from the record of what took place there:

Mr. HARVEY. I want to say here, and I think I speak for the liquor interests, that if there is an organization under the head of organized labor in the District, no matter what they represent, that is not in accord with the resolution adopted by the central labor body, as liquor men we would like to know it. We would like them to come out and let us know if that does not stand and mean what it is intended for.

That was about the 7th or 8th of March, 1912.

One statement was that all the organized workingmen in the District of Columbia who were in favor of the Jones-Works bill could ride in one taxicab, and I bring this petition in to show that it would take a pretty large taxicab to hold all the people who not only were in favor of the Jones-Works bill but were in favor of prohibition; and in this connection I want to say, too, Mr. Chairman, that if we could get this all around to our people—we did this hurriedly—we would probably double the number of names we have on that petition in favor of prohibition—

Mr. CARY. Those gentlemen are not natives of the city of Washington, are they, who signed that petition?

Mr. OYSTER. Well, we do not—

Mr. CARY. They all claim residence in some State, do they not?

Mr. OYSTER. We do not draw the line, Mr. Chairman.

Mr. LOBECK. What has that got to do with it?

Mr. CARY. Perhaps they come from prohibition States.

Mr. LOBECK. No; they come from all the States.

Mr. OYSTER. This is the capital of our country, and the people of this country are interested in the kind of Government and the conditions that exist in their capital. They pay one-half of the money to support this capital; and I want to say this, that it is just as much a violation of the principles to deny representation with taxation to the people of the United States who pay one-half of it as it is to deny it to the people of the District; and I am one of those who believe that the people of the United States will never turn this capital over solely to the people here, to allow them to do what they please with it, to have 300 saloons or 3,000 saloons, or to have gambling dens open, or to sell lottery tickets, and tickets on the races, and all those things which have been abolished; and it is just as much a violation of personal liberty for those people who were in that business as it is a violation of the so-called personal liberty of the people engaged in the liquor traffic.

Mr. CARY. Then you do not believe in giving them a right of referendum?

Mr. OYSTER. I do not believe in singling out this particular question. Now, Mr. Chairman, I expect to be heard on that briefly, and I will give the gentleman my views on that. I have advocated self-government and have drawn up proposed bills, or outlined the kind

of legislation we ought to have; but I am not going into that question just now.

Mr. CARY. You read my resolution, did you not?

Mr. OYSTER. Yes.

Mr. CARY. Was there only one question to be voted on in that resolution?

Mr. OYSTER. Yes; I understand that. I am not impugning the general statement that you will make, that you are doing this for the referendum, and believe in that. But when we come to the question of the referendum I will point out why this particular question ought not to be picked out and singled out from every other question, and select it now, for the——

Mr. CARY. But my resolution does not do that.

Mr. OYSTER. Mr. Chairman, I say I do not want to get on that, because the chairman has called my attention to the fact that I have taken a good deal of time.

Mr. CARY. You have not answered my question. Have you read my resolution?

Mr. OYSTER. Yes.

Mr. CARY. Is there only one question to be voted on in that resolution?

Mr. OYSTER. No, sir.

Mr. CARY. Certainly not; and I would put more on if you would suggest them.

Mr. OYSTER. If the gentleman will reserve his questions for me until we get on that proposition, I will be perfectly willing to answer the questions that he may ask me, and state my opinions.

Mr. CARY. I did not want a wrong impression to get out, that I had introduced a resolution with but one question to be voted on.

Mr. OYSTER. Yes. Now, I want to explain, as I was at the first meeting of the typographical union after these representations were made, that we almost unanimously repudiated the statements that the representatives of the Central Labor Union spoke for Columbia Typographical Union.

Mr. MAPES. Could you insert in the record some of those papers you have without reading them?

Mr. OYSTER. The chairman has said that that was not to be done. I will be very brief, now, and it will take but a few minutes to read this. If it could be inserted without reading, very well, but the resolution is not long; it covers that much of the page [indicating]. The chairman has said that nothing could be inserted in the record that was not read. I make the statement, now, that my union did repudiate the statements made by the members of the Central Labor Union at that time, and here is the resolution. This was adopted on March 17, 1912, and there were only two votes against it at that time:

Whereas the president and secretary, respectively, of the Central Labor Union, of which body Columbia Typographical Union, No. 101, is probably the largest numerically, appeared before a committee of the United States Senate and stated that they represented the sentiments of the union men of the District of Columbia when they opposed any changes in the excise laws of the District, and that all union men who favored the prohibition of the liquor traffic could be carried in one taxicab; and

Whereas we believe that many hundreds of members of Columbia Typographical Union, No. 101, both opposed to and in favor of the changes proposed in the pending bills, are not in sympathy with the representations made before said Senate committee by said president and secretary, respectively, of the Central Labor Union: Therefore be it

Resolved, That Columbia Typographical Union, No. 101, hereby declares that no such authorization was ever given to any one to express the views or feelings of its members, either for or against any bills now pending before Congress in reference to the changing of the excise laws; and be it further

Resolved, That Columbia Typographical Union, No. 101, when it has anything of a legislative nature to favor or oppose, will send its own delegates fully instructed how to act.

Mr. Chairman, I want to say now I am not representing Columbia Typographical Union. It has taken no action on this proposition. officially, and has appointed no representatives so far to come before this committee, and I am representing members of organized labor who signed this petition, as individuals, and I am here as an individual workingman, in favor of the Sheppard bill.

There is just one other statement. The argument is made that if it loses this revenue from the liquor traffic the District will not have money enough to run its affairs. I want to say, Mr. Chairman, that yesterday I went to the auditor for the District and I got the official figures, which show that for 1916 we raised \$2,000,000 more than Congress duplicated by appropriations; that after paying nearly \$800,000 of back charges against the District, we have \$1,380,000 in the United States Treasury in cash to the credit of the District of Columbia; that we have now placed a tax on intangible personal property, and that we will raise more money from the intangible personal property tax than we will lose by cutting off the liquor tax, which was last year some \$480,000, a decrease of \$44,000 from 1915; that loss of revenue from that source will be more than made up from the tax on intangible personal property; and even if we did not have any additional tax we would not need the contribution from the saloons, and for one I am perfectly willing, if it would be necessary—although it will be entirely unnecessary—to pay a little more tax so as to keep more bread in the mouths of the women and children, and more clothes on their backs, and more shoes on their feet, and in other words to give the women and children of working people more of the necessities of life than they get from some of their men, their husbands or brothers, who spend too much money for rum.

Mr. BARKLEY. Mr. Chairman, I just want to make a statement. This concludes our evidence, so far as the proponents of the bill are concerned. We have nothing more at this time. We may a little later, if we see fit to do so, desire to reserve one day for testimony in rebuttal; but we do not wish to be understood as obligating ourselves to do that. We desire to reserve the right to do so, however. With that statement we conclude our side.

Mr. CARY. May I ask the Congressman a question, Mr. Chairman?

Mr. BARKLEY. Yes.

Mr. CARY. First, I make a motion to go into executive session before asking the question.

Mr. JOHNSON. It is moved by Mr. Cary that this committee go into executive session for the purpose of asking Representative Barkley some questions.

Mr. LLOYD. I do not see why he might not ask Mr. Barkley in open session. Is it something secret?

Mr. JOHNSON. The Chair does not know about it.

Mr. CARY. I thought it was only proper to do that, but if the committee sees fit to proceed in open session, very well.

Mr. LLOYD. I am not much in favor of secret things. Let us have everything in the open, so far as hearings are concerned.

Mr. CARY. I will withdraw the motion.

Mr. LLOYD. Yes.

Mr. JOHNSON. The motion is withdrawn.

Mr. CARY. I would like to ask Congressman Barkley if he thinks it fair that the opponents should be given the same time as the people in favor of the bill?

Mr. BARKLEY. That is a question for the committee.

Mr. CARY. You think that would be fair?

Mr. BARKLEY. I do not think that is a question I am called upon to decide before this committee.

Mr. CARY. I wish to ask, therefore, if in the meantime, while the opponents of the bill are being heard, there will be a resolution introduced by yourself to take the bill away from this committee by the Rules Committee?

Mr. BARKLEY. I have not decided, Mr. Cary. I do not know.

Mr. CARY. Are you not now arranging a resolution to that effect?

Mr. BARKLEY. No, sir.

Mr. JOHNSON. Mr. Barkley said to me yesterday afternoon—I take it for granted addressing me as chairman of the committee—they were not undertaking now to take it out of the hands of this committee.

Mr. CARY. I heard these rumors around here yesterday and last night that that was being done.

Mr. BARKLEY. I will say that there has been discussion among various Members of the House, and that has been urged by men who are desirous to vote in the House on that question; but it has not been prepared and is not now being prepared, and I am unable to say whether it will be.

Mr. CARY. At least it would not be put in until the other people are given a chance to be heard?

Mr. BARKLEY. I am not able to answer that question. That will depend on developments.

Mr. MAPES. In other words, you do not mean to commit yourself one way or the other?

Mr. BARKLEY. No, sir; not one way or the other.

Mr. LLOYD. I move that we adjourn.

Mr. JOHNSON. Your answer is now that it is not being done?

Mr. BARKLEY. Yes, sir.

Mr. CARY. It is not being done now?

Mr. BARKLEY. So far as I am concerned it is not being prepared, and has not been so.

(At 12 o'clock m. the committee adjourned until Tuesday, February 13, 1917, at 10 o'clock a. m.)

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA

HEARINGS

BEFORE

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

SECOND SESSION

ON

S. 1082

TO PREVENT THE MANUFACTURE AND SALE OF ALCOHOLIC
LIQUORS IN THE DISTRICT OF COLUMBIA,
AND FOR OTHER PURPOSES

FEBRUARY 13, 1917

PART 4



WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Tuesday, February 13, 1917.

The committee met at 10 o'clock a. m., Hon. Ben Johnson (chairman) presiding.

Mr. JOHNSON. The committee will please come to order. I have here a telegram from Westchester, N. Y., which reads as follows:

WESTCHESTER, N. Y., *February 11.*

HON. BEN JOHNSON,
*Chairman Committee on District of Columbia,
House Office Building, Washington, D. C.*

The Central Federated Union of Greater New York and vicinity urgently requests a hearing before your committee on the prohibition proposition covering the District of Columbia.

ERNEST BOHM, *Secretary.*

What is the pleasure of the committee with regard to the request?

Mr. CARY. I move that they be heard, Mr. Chairman.

Mr. BURKE. I move that we fix a date for them to be heard.

Mr. WHEELER. Where are they from, Mr. Chairman?

Mr. JOHNSON. New York.

Mr. WHEELER. How much time do they want?

Mr. JOHNSON. I could not tell you anything about it, except from the telegram.

Mr. CARY. Any day they would come we might hear them; put it that way to them.

Mr. BURKE. We had better fix a date, so that they will know when to come and we will know when to expect them.

Mr. JOHNSON. Shall we hear them day after to-morrow?

Mr. BURKE. Thursday; that is a good day.

Mr. JOHNSON. Without objection the chairman will telegraph them that we will hear them day after to-morrow at 10 o'clock.

Mr. MAPES. I should imagine it would be well, if there is any special person having in charge the hearing on the opposite side, for him to cooperate with them.

Mr. JOHNSON. We are rather looking to Mr. Columbus from that side. He is representing the chamber of commerce here.

Mr. COLUMBUS. I appear for the referendum association.

Mr. JOHNSON. What is your suggestion about this?

Mr. COLUMBUS. If the committee feel that they ought to be heard, and if the committee think that they have sufficient interest in this matter, I think they ought to be heard.

Mr. JOHNSON. Of course the committee think all that, but the question is whether they should be heard.

Mr. LLOYD. I doubt whether Mr. Columbus wants to be placed in the position of leading the fight against this bill. He only appears, as I understand it, for the chamber of commerce, and wishes to be heard for them.

Mr. COLUMBUS. I appear for the District of Columbia Referendum Association, and on the part of those interests we are organizing; what the trade bodies have done heretofore and now.

Mr. LLOYD. Then that would make you the representative of the opposition to this bill.

Mr. COLUMBUS. Oh, absolutely.

Mr. LLOYD. You control the time, then, of everybody?

Mr. COLUMBUS. No; I would not think that, that I would control the time of everybody.

Mr. LLOYD. What I mean is, we look to Mr. Barkley and Mr. Shoemaker on the other side, and we will look to you on this side.

Mr. COLUMBUS. Very well.

Mr. JOHNSON. Gentlemen, if there is no objection we will have the clerk of the committee telegraph this New York man that we will hear him at 10 o'clock on Thursday morning if he is on hand.

Here is another communication from New York:

THE NEW YORK STATE FEDERATION OF LABOR,
New York, February 10, 1917.

HON. BENJAMIN JOHNSON,
Chairman District Committee, House Office Building,
Washington, D. C.

DEAR SIR: Will you kindly advise me when I may be granted a hearing before your committee in opposition to the Sheppard prohibition bill for the District of Columbia, on behalf of the New York State Federation of Labor, of which body I am president.

Awaiting your kind response, I am,
Respectfully yours,

JAMES P. HOLLAND,
President.

What shall I do with that?

Mr. MAPES. Put them down for the same day.

Mr. JOHNSON. We could not hear them both on the same day. Suppose we telegraph him that we will hear him on Friday?

Mr. MAPES. We have to close the hearings this week, do we not?

Mr. WILSON. No; on the 22d of February.

Mr. CARY. So far as I am concerned, I think that Friday would be all right.

Mr. JOHNSON. What is the pleasure of the committee as to that?

Mr. BURKE. I suggest that you hear them on Thursday, and make them shorten up.

Mr. JOHNSON. Without objection, we will hear these two parties on Thursday.

Mr. LLOYD. They are from New York?

Mr. JOHNSON. Yes.

Here is another communication from Cincinnati, which is as follows:

INTERNATIONAL UNION OF THE
UNITED BREWERY WORKMEN OF AMERICA,
Cincinnati, Ohio, February 6, 1917.

HON. BEN JOHNSON,
Chairman Committee on District of Columbia, Washington, D. C.

DEAR SIR: I am informed that the hearings on the Sheppard District of Columbia prohibition bill have commenced to-day, and inasmuch as this bill affects the livelihood of hundreds of men, members of our organization, and their families, I desire

to get a hearing before your committee at a date and time convenient to yourself and committee.

If you will set the date and inform me of same, I will come to Washington at the appointed time.

Trusting that you will grant this request, and thanking you for favorable consideration of the matter, I remain,

Respectfully, yours,

JOSEPH PROEBSTLE,
International Secretary.

What is the pleasure of the committee in regard to that?

Mr. LLOYD. Put them down for the same day, and we will hear them.

Mr. JOHNSON. The clerk will telegraph all three of these gentlemen.

Now, Mr. Columbus.

Mr. COLUMBUS. Mr. Chairman, the fight of the citizenship of the District of Columbia for a real voice starts this morning, and we would like to have you hear, first, Mr. William F. Gude, chairman of the District Referendum Association. Mr. Gude has always done his best for everybody, without regard to class, creed, or conditions, in the District of Columbia.

The CHAIRMAN. You may proceed.

STATEMENT OF MR. WILLIAM F. GUDE.

Mr. GUDE. Mr. Chairman and gentlemen, for fear that my motives may be misinterpreted or that I may be misunderstood by you gentlemen, I would like first to make my position clear. This is the second time in my life that I have appeared before the District of Columbia Committee of you legislators here. I do not come here of my own volition. I come here for the good that I believe I can do to my fellow citizens. I want to state to you gentlemen that the Society of American Florists and Horticulturists, which extends from Maine to California and from Canada to Mexico, has seen fit to retain me to represent them at the Nation's capital. I am president of the Telegraph Delivery Association, a national organization, of which I am very proud to be president. I have been more or less active, giving about one-third of my time to my fellow citizens of the District of Columbia—or fellow sufferers, if I may put it that way, of the District of Columbia.

Mr. JOHNSON. In what way are they sufferers?

Mr. GUDE. Because I have never accepted one cent, directly or indirectly, for anything that I have ever done.

Mr. JOHNSON. Do you see fit to designate them as "sufferers" because of that?

Mr. GUDE. I feel, gentlemen, that the District of Columbia having nearly 400,000 inhabitants, who are the peers in intelligence of any people in the United States of America, particularly when you think there are either five or seven States which have less inhabitants, and probably not as intelligent as they are in the National Capital, which have representation in the national House, who shall say something about their taxation or nontaxation.

The citizens of the National Capital saw fit to put me at the head of the referendum association, not for prohibition, gentlemen, not for liquor, but when a vital question comes up like the prohibition question, which is before us now—it may be unfortunate that it should be the first subject—to allow the citizens who live here at least a right

to vote for what they deem is best for their interests and best for the interests of the city they live in.

Mr. LLOYD. You did not state the other case in which you appeared before this committee. Was it with reference to taxation?

Mr. GUDE. No, sir.

Mr. LLOYD. Is not that the most vital question to the people of the District?

Mr. GUDE. I think so; but this has vitally to do with taxation, as I understand it.

Mr. MAPES. What was the other question on which you appeared before the committee?

Mr. GUDE. About two or three years ago.

Mr. MAPES. What was it on?

Mr. GUDE. I prefer not to go into that at this time, if I may be permitted. I was terribly misquoted, and actually—well, I had better not go into it.

Mr. JOHNSON. Do you refer to the time when you appeared before the committee—

Mr. GUDE. The only time I ever appeared.

Mr. JOHNSON (continuing). And you stood there and I sat over on the other side of the table and asked you some questions, and then you went away and said that you had never seen me?

Mr. GUDE. My dear Mr. Chairman, this is the first time in my life that, to the best of my recollection, I have ever seen you.

Mr. JOHNSON. You do not recall stating to the papers that you had seen me, when you stood right there and I sat on the other side of the table and questioned you?

Mr. GUDE. We are not here for argument.

Mr. JOHNSON. And you went to the newspapers and said that you had never seen me?

Mr. GUDE. You are mistaken. I—

Mr. JOHNSON. No; I am not mistaken, and every member of the committee who was present knows that you are mistaken.

Mr. GUDE. Well, I want to say to the gentlemen here, and also to you, Mr. Chairman, that my record is an open book. From East to West and from North to South probably I am more known than you are or any member around this board, in every city of the United States. I have nothing to hide or to be ashamed of.

Mr. JOHNSON. I claim no such distinction for myself.

Mr. GUDE. I do.

Mr. JOHNSON. I knew you on that occasion, and you disclaimed knowing me, notwithstanding that I asked you quite a number of questions.

Mr. GUDE. I appear before you gentlemen this morning not for any argument or anything else, but simply to appeal to you gentlemen for the sense of justice and of right, that if any vital questions come up before the District of Columbia Committee, as the prohibition question must come, for the National Capital, to let the people decide. So far as I am concerned, if they vote 90 per cent or 95 per cent dry, I will humbly bow to the decree. If they want wet, let them have it. So far as I am concerned, I would much rather live in a State. I was born in Lynchburg, Va., and I am proud of it; and I came here as a poor boy and worked myself up, and I have the respect of the community, and of the communities of the

United States, which I am very proud of, and I appeal to you gentlemen this morning to let us at least decide for ourselves. If we want to vote to have it 90 per cent dry, let us have that. If we want to vote to have it wet, let us have that.

Mr. LLOYD. Suppose it is left to the will of the people, would they vote wet or dry?

Mr. GUDE. I prefer not to answer that now.

Mr. LLOYD. That is a very proper question, because the very question is, "What are you going to do with this bill?" It is up to us now and you are asking that we put it up to you.

Mr. BAILEY. Mr. Chairman——

Mr. LLOYD. He does not have to answer the question. I withdraw the question if he does not want to answer it.

Mr. GUDE. I prefer not to answer it.

Mr. LLOYD. That is all right. I will withdraw it.

Mr. TINKHAM. I want to ask some questions about the association that he represents. What is the membership of it?

Mr. GUDE. Probably 10,000 or 20,000.

Mr. TINKHAM. How long has it been organized?

Mr. GUDE. About two years.

Mr. TINKHAM. Are all of the members residents of the District of Columbia?

Mr. GUDE. To the best of my knowledge and belief.

Mr. TINKHAM. And how often do you have meetings?

Mr. GUDE. We do not have any regular meetings.

Mr. TINKHAM. Have you had any regular meetings at all?

Mr. GUDE. We have.

Mr. TINKHAM. When was the last meeting?

Mr. GUDE. Mr. Columbus, do you remember the date?

Mr. COLUMBUS. I think it was on the 7th.

Mr. TINKHAM. On the 7th?

Mr. COLUMBUS. I think so.

Mr. TINKHAM. You make this appeal for the organization?

Mr. GUDE. The organization; yes, sir.

Mr. TINKHAM. And you come representing those 20,000, as I understand it.

Mr. GUDE. When I said 20,000, it had nothing to do with the District of Columbia. That is the international organization.

Mr. TINKHAM. You are speaking for the international organization?

Mr. GUDE. No.

Mr. TINKHAM. The local organization?

Mr. GUDE. I simply stated that I represented them, in order to make myself clear before this committee. I hope I will not be misunderstood this time.

Mr. TINKHAM. Now, I want to know how many people in the District of Columbia you represent?

Mr. GUDE. Well——

Mr. TINKHAM. Have you got a local organization here in the District or Columbia, or are you speaking for the national organization?

Mr. GUDE. We have several of them.

Mr. TINKHAM. Several?

Mr. GUDE. Yes.

Mr. TINKHAM. What are their names?

Mr. GUDE. The Washington Chamber of Commerce, the Washington Board of Trade, the Retail Merchants' Association, but they will have representatives here to speak for themselves.

Mr. TINKHAM. Of course.

Mr. GUDE. I am here as chairman of the Referendum Association of the District of Columbia.

Mr. TINKHAM. And that is what I am getting at; what is the referendum association?

Mr. GUDE. It is an organization——

Mr. TINKHAM. Made up of these other units?

Mr. GUDE. No, sir.

Mr. TINKHAM. Or individuals?

Mr. GUDE. Of other units?

Mr. TINKHAM. Such as the board of trade?

Mr. GUDE. Not necessarily. No; more individual.

Mr. LLOYD. Does the attendance at Poli's Theater indicate the membership?

Mr. GUDE. I should say not; because the Poli's stopped them from coming in because half of them could not get in, so I am told. I was on the stage and I do not know.

Mr. LLOYD. That is what the dry people say for their meeting at the National Theater.

Mr. GUDE. Yes.

Mr. LLOYD. The dry people say that for the meeting at the National Theater, that more than half of the crowd could not get in; so that you are pretty nearly even on that proposition. What Mr. Tinkham is anxious to find out is what kind of an organization you have. You have not any regular organization, have you? You just have these public meetings at which a chairman is selected and a secretary is selected, and you have your public addresses, and pass resolutions?

Mr. GUDE. Yes.

Mr. LLOYD. And you pass resolutions at the conclusion?

Mr. GUDE. Yes.

Mr. LLOYD. And those persons at Poli's Theater are the persons who participate, and who are the persons who may be regarded as the members of the association?

Mr. GUDE. To a large extent; and a good many thousands can not attend; because they are almost all Washington people, like myself.

Mr. LLOYD. Have you a record of the membership?

Mr. GUDE. Probably an incomplete one; yes, sir.

Mr. LLOYD. Have you any book anywhere that the individuals have signed, showing that they subscribe to the doctrine advocated by the association?

Mr. GUDE. A petition, with some 50,000 names on it.

Mr. LLOYD. That was presented to the Senate, was it not?

Mr. GUDE. That is the one I refer to, sir.

Mr. LLOYD. Yes; but I have reference to the association itself. You have no organization where the individuals have met, regularly organized, and fixed themselves into an association, and have arranged for regular meetings, and have a regular system of by-laws, and a permanent organization of any kind?

Mr. GUDE. A number of them, sir, such as the Federation of Citizens Associations, would cover that, comprising 22 organizations.

Mr. LLOYD. I understood that they spoke for themselves.

Mr. GUDE. If they have not, I hope they will.

Mr. LLOYD. The board of trade speaks for itself.

Mr. GUDE. Yes.

Mr. LLOYD. The chamber of commerce speaks for itself. The manufacturers' association speaks for itself. The federated associations of all kinds—school and all others—speak for themselves.

Mr. GUDE. Yes.

Mr. LLOYD. There are a number of associations, local citizens' associations, in the city.

Mr. GUDE. Yes.

Mr. LLOYD. Some twenty-odd of those, are there not?

Mr. GUDE. Twenty-two or 23 or 24, maybe.

Mr. LLOYD. Then your organization is composed of those that are in favor of submitting this prohibition question to the vote of the people in the District?

Mr. GUDE. Yes.

Mr. LLOYD. And such as come together at any meeting at Poli's Theater, or a similar gathering, when you meet, are just a body of people opposed to prohibition being passed without its being referred to the people?

Mr. GUDE. That is the idea, sir.

Mr. LLOYD. And they are not organized into a compact body with an organization and by-laws and the signature of each individual, showing that he is a member of the organization and subscribes to the tenets of the order, whatever it may be?

Mr. GUDE. Not as a whole, directly; no, sir.

Mr. MAPES. Who appointed or elected you to come here, Mr. Gude, if anybody? That, perhaps, will——

Mr. GUDE. When the bill, the Sheppard bill, was up——

Mr. COLUMBUS. When this matter first came up, a body of us got together and decided to test the sentiment of the community through a mass meeting.

Mr. MAPES. Mr. Gude——

Mr. COLUMBUS. Just a minute.

Mr. MAPES. May I interrupt? I presume that you will have a chance, Mr. Columbus, to speak here.

Mr. GUDE. I will answer your question.

Mr. MAPES. You said you came here as a representative of a big organization of people, and I wondered how you came to represent them.

Mr. GUDE. By their unanimous selection, to the best of my knowledge and belief.

Mr. MAPES. Did they select you to come here?

Mr. GUDE. They did select me; yes, sir.

Mr. MAPES. When was that action taken?

Mr. GUDE. When was that action taken?

Mr. COLUMBUS. At a mass meeting at the National Theater when Mr. Snyder presented the resolution that brought this organization into being.

Mr. MAPES. Then this was a meeting at the National Theater, not the organization of which you are the chairman, yourself?

Mr. GUDE. Yes.

Mr. MAPES. I do not believe I was here at the time you appeared before the District Committee the other time. What is your active business?

Mr. GUDE. I am a florist.

Mr. MAPES. Here in the city?

Mr. GUDE. Yes.

Mr. MAPES. If you were going to submit this question to a popular vote in the District, whom would you allow to vote?

Mr. GUDE. I can not answer that. I would prefer not to.

Mr. MAPES. That is a pretty important question for the members of the District Committee is it not?

Mr. GUDE. I think that would be a question for the legislators, and not for me. I am not a legislator, or a politician, or a lawyer; I am simply a plain, honest business man, and my record is an open book.

Mr. MAPES. Well, there is no question about that here, I think; but this whole question, in a way, is a question for the legislators. In the first place, it is a question for the legislators as to whether they will refer it to the people at all or not.

Mr. GUDE. Yes.

Mr. MAPES. And we are glad to have your advice on that question, and, personally, I would like to have your opinion on the other. If it was going to be submitted whom would you have it submitted to?

Mr. GUDE. The people of the District of Columbia; those of voting age.

Mr. JOHNSON. What is the voting age?

Mr. GUDE. Twenty-one, to the best of my knowledge and belief.

Mr. JOHNSON. Where?

Mr. GUDE. In the different States.

Mr. JOHNSON. In the District of Columbia?

Mr. GUDE. No, sir.

Mr. JOHNSON. Then the voting age would have to be created in the District of Columbia, would it not, before you could vote?

Mr. GUDE. It would seem so.

Mr. JOHNSON. You referred to it as if there was already a voting age established here.

Mr. GUDE. I did not mean to so express myself.

Mr. LOBECK. That is the accepted age throughout the country.

Mr. MAPES. Would you allow women to vote?

Mr. GUDE. I do not know but what I would.

Mr. MAPES. Would you allow the people to vote who maintain a voting residence in the States and live here?

Mr. GUDE. Personally I would, but I think the law would prohibit it.

Mr. MAPES. You think the law would prohibit that?

Mr. GUDE. Yes.

Mr. MAPES. A large proportion of the white population of the District maintains such a residence outside of the District, does it not?

Mr. GUDE. I think colored, also.

Mr. MAPES. Then a large proportion of the population of the District maintains a residence, a voting residence, outside of the District, does it not?

Mr. GUDE. Yes.

Mr. MAPES. How would you eliminate all of those from your—

Mr. GUDE. I would not. I presume the law would.

Mr. JOHNSON. Are you in favor of what is known as the Underwood referendum?

Mr. GUDE. I am not thoroughly familiar with it, Mr. Chairman.

Mr. JOHNSON. The one they voted on over in the Senate?

Mr. GUDE. I am simply here, as I stated in the outset, to ask you gentlemen to grant to the citizens of the District of Columbia to pass upon this measure by referendum vote.

Mr. JOHNSON. That is what Mr. Mapes and I are both trying to get at. A referendum to whom?

Mr. GUDE. To the people who live here and are lawfully entitled to vote.

Mr. JOHNSON. Is anybody lawfully entitled to vote until this bill makes somebody lawfully entitled to vote?

Mr. GUDE. Can it not be based on the same ground that the eligibility of those in the States is based upon now?

Mr. JOHNSON. In the majority of the States it is based now on the fact that they must be 21 years of age, and males. It would be your opinion, then, that it should be limited to males 21 years of age?

Mr. GUDE. Personally I would have no objection to the females voting.

Mr. JOHNSON. Then you are not in favor of the law as it stands in the majority of the States?

Mr. GUDE. Probably I am not thoroughly advised on that.

Mr. JOHNSON. The Underwood referendum, the one voted on over in the Senate, provides that nobody shall vote unless they be property holders. What is your opinion in regard to that?

Mr. GUDE. Well, I think we have just as good citizens, in many instances better, who are renters, than we have property holders; and for that reason I would let a rent payer vote.

Mr. JOHNSON. Then you are opposed to the Underwood referendum that was introduced in the Senate by Senator Underwood, of Alabama?

Mr. GUDE. I can not answer that, because I am not thoroughly familiar with it.

Mr. JOHNSON. If it had a clause in it limiting the vote to the property holder, then you are against it?

Mr. GUDE. I can not answer that unless I knew the other conditions that go with it.

Mr. JOHNSON. So that you would want to know whether it permitted females, for instance, to vote, before determining whether you would be in favor of nonproperty holders voting?

Mr. GUDE. What is that question?

(The question was read by the stenographer.)

Mr. GUDE. No, sir.

Mr. JOHNSON. Then you entertain no opinion which you are willing to express to the committee as to whom the right to vote should be extended to?

Mr. GUDE. No.

Mr. BAILEY. May I ask the gentleman a question, Mr. Chairman?

Mr. JOHNSON. Yes.

Mr. BAILEY. Are you acquainted with the Cary bill, so called—
H. R. 20662?

Mr. GUDE. I am acquainted with it——

Mr. BAILEY. Which provides for an advisory referendum?

Mr. GUDE. I am acquainted with it; but when it goes into technicalities, I would not want to go into those.

Mr. BAILEY. Do you know that section 3 provides the qualifications of those who shall participate in the advisory referendum provided for in the bill? Do you know the provisions of that section?

Mr. GUDE. I am not quite familiar with it, sir.

Mr. BAILEY. Section 3 of the Cary bill provides as follows:

SEC. 3. That all citizens of the United States 21 years of age and over, without regard to sex, who have been actual residents of the District of Columbia for at least one year prior to the date of the referendum vote shall be qualified to vote in the said referendum.

Does that meet your approval?

Mr. GUDE. Absolutely; yes, sir.

Mr. BAILEY. And there is the following proviso:

Provided, That no Federal employee residing in the District and no other actual resident of the District shall be disqualified from voting in said referendum by reason of having voted in one of the States of the Union or by reason of claiming a voting residence therein.

That proviso meets your approval, does it?

Mr. GUDE. It does; yes.

Mr. JOHNSON. In other words, that permits the Government clerks here to participate in this election.

Mr. LOBECK. If they would vote here they would lose their residence there.

Mr. JOHNSON. No, not if the law says they would not.

Mr. LOBECK. I would like to see them vote in my State after they had voted here and claimed to be residents of the District.

Mr. JOHNSON. Proceed, Mr. Gude.

Mr. GUDE. That is all that I want to say. I said all that I wanted to say in two minutes.

Mr. JOHNSON. Whom else will you have, Mr. Columbus?

Mr. COLUMBUS. Mr. Chairman and gentlemen, Mr. Henry E. Davis, former district attorney in the District of Columbia, will be heard next, discussing the validity of the referendum here.

Mr. WILSON. Mr. Chairman, is there an understanding whether or not there is to be any vote other than a vote to adjourn, this morning?

Mr. JOHNSON. That is the Chairman's understanding, that we are simply here for a hearing.

Mr. WILSON. There will be no vote other than on a motion to adjourn?

Mr. JOHNSON. That is the understanding of the Chairman.

STATEMENT OF HENRY E. DAVIS, ESQ.

Mr. DAVIS. Mr. Chairman and gentlemen of the committee, I have been asked to present to the committee certain considerations in support of the proposition——

Mr. LLOYD. By whom?

Mr. DAVIS. By Mr. Columbus, representing the interests in behalf of which he speaks.

Mr. LLOYD. Are you employed to appear?

Mr. DAVIS. No, sir; I am not. I have been asked to appear in support of the proposition that Congress has the power, and the right, to make a referendum such as is desired in this case. You undoubtedly will have noticed that there was some difference of opinion on the floor of the Senate as to the power of Congress to make such a referendum. Very briefly I desire to bring to the attention of the committee certain considerations which seem to me conclusive of the question, and I will say I hold not only that Congress has the power and the right, but also that it has been the practice of Congress in the past to make a referendum to the citizens of this District of important matters.

The Constitution, as we all know, contains this provision—

Mr. LLOYD. You do not mean to say that within 20 years we have had a referendum?

Mr. DAVIS. No; I do not say that. The Constitution of the United States contains this provision:

The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever, over such District (not exceeding 10 miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States.

I invite your special attention to this expression, "over such District as may by cession of particular States, and the acceptance of Congress, become the seat of the Government." There has, in some minds, been a notion that in creating the District of Columbia and giving Congress authority over it, the States speaking through the Constitution delegated to Congress power over the District of Columbia, and that in some way Congress is hampered by that alleged fact; namely, that the creation of the District of Columbia involves a delegation of power by any particular State or by the States as a body. That that is an error will be seen in a moment from the language of the cession by Maryland of its portion of the District and by Virginia of its portion of the District.

The constitutional limitations that are imposed upon Congress prevent Congress from interfering with certain matters and making certain enactments having to do with the States and the citizens of the States, and the constitutional limitations that are put upon the States prevent the States from enacting certain legislation affecting the citizens of those States, respectively; so that the constitutional limitations have nothing whatever to do with this question which I have immediately in mind at this point, whether in creating the District of Columbia there was an act of delegation by any State, or by the States as a body, of authority over the District of Columbia. The force of the word "exclusive" in this constitutional provision is that it confers upon Congress absolute and exclusive jurisdiction over the territory intended to be ceded, without regard to participation therein by any of the States, or the play of the Constitution upon it in respect to many of the constitutional limitations. Now, when we come to read the cession act of Maryland, you will observe that it does not say that it, Maryland, creates Congress its agent for any purpose; it does not say that it, Maryland, delegates to Congress any power, but this is the language of the act making this piece of

territory on which we stand the seat of the Government of the United States:

That all that part of the said territory, called Columbia, which lies within the limit of this State, shall be, and the same is hereby, acknowledged to be forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing, or to reside, thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of Government of the United States.

That language is the fullest and the strongest and the most explicit language that could be used to show that Maryland yielded, ceded, relinquished, gave up, turned over to the Government of the United States absolute and exclusive jurisdiction of soil as well as of persons in this the District of Columbia; so that Congress stands to-day absolutely equipped with the fullest, most complete power over the District of Columbia that can be conceived, without any thought or limit whatever by way of delegation. That being so, can there be any room for doubt that Congress may enact its laws for the District of Columbia in whatever manner it may choose? You hear representatives of the community come here and offer their advice, and frequently you are good enough to act upon it. If the citizens may by word of mouth before a committee influence your legislation, why may you not take the voice of the whole community at large and see what is the opinion of the citizens? Why limit the right to those who have the time and the inclination to appear before a committee, and deny that right to the entire body of the community that would like to be heard upon any given question?

Mr. MAPES. May I interrupt you there?

Mr. DAVIS. Certainly.

Mr. MAPES. I do not want to interrupt you if it will interfere with your argument.

Mr. DAVIS. I have no objection, sir, whatever.

Mr. MAPES. Would you claim that a referendum here to the people of the District would be anything more than an advisory proposition to the Congress?

Mr. DAVIS. Yes; and I will show you why.

Mr. MAPES. Do you claim that it would be binding?

Mr. DAVIS. Yes; I will show you.

Mr. MAPES. Then may I ask you this question: In the State constitutions, as a rule, they said that all legislative jurisdiction was vested in the State legislatures, and in those States I think it is pretty generally conceded that there is not any way of submitting a question to the vote of the people until the constitution is amended, expressly providing for a referendum.

Mr. DAVIS. Mr. Mapes—

Mr. MAPES. Now, in the Federal Constitution the language is, I believe, that Congress shall have exclusive legislative jurisdiction over all places whatsoever, and so on, including the District. If the Federal Constitution puts the same limitation or invests Congress with the same power over the District that the State constitutions invest the legislatures with—legislative jurisdiction—how could it be submitted and be binding upon the Congress?

Mr. DAVIS. There are two answers to that. There is no such limitation in the Constitution of the United States with reference to the District of Columbia. And, in the next place, I will give you

two very, very strong instances of Congress having done exactly what I am here advocating being done to-day.

Mr. MAPES. I do not understand your statement that there is no such limitation.

Mr. DAVIS. There is no limitation on the power of Congress over the District of Columbia of a character that forbids it to take the vote of the community and enact a law dependent upon the result of that vote.

Mr. MAPES. The Constitution says that Congress shall have exclusive legislative jurisdiction over the District, does it not?

Mr. DAVIS. It says that it shall have power to exercise exclusive legislation in all cases whatever.

Mr. MAPES. Yes.

Mr. DAVIS. Exclusive. The question is whether Congress can enact a law here in the two halls of Congress, or whether it can enact a law, it having exclusive jurisdiction over the District of Columbia, by taking the sentiment of the community.

Mr. WILSON. If Congress really enacted a law and put into motion the machinery for holding an election, it would be putting a wholly different scope on that authority, would it not?

Mr. DAVIS. Surely.

Mr. JOHNSON. It is your contention, as I understand you, that Congress has the legislative power to delegate authority to somebody else to do certain things?

Mr. DAVIS. No, if the chairman please; I say that Congress has the power to enact legislation conditionally, just as it has the power to enact legislation absolute and unconditional, and if you will indulge me a moment I will give you two very striking illustrations of the exercise of this power by Congress.

Mr. MAPES. Mr. Davis, just before you go into that; of course the experience of the Continental Congress was with the Army, and so on, the soldiers coming down and demanding their pay and creating some havoc with the Continental Congress, had something to do with the action of the framers of the Constitution in putting this provision into the Federal Constitution, did it not?

Mr. DAVIS. Undoubtedly.

Mr. MAPES. Now, was it not their idea that the Congress should have the exclusive control and not be influenced by local surroundings?

Mr. DAVIS. No.

Mr. MAPES. In maintaining the seat of the Federal Government?

Mr. DAVIS. That, Mr. Mapes, was but one of a number of things that led the constitutional convention to establish the District of Columbia. Assume that it was the only one; its object was to have a territory such that there could be no claim of any kind, of power or authority, however slight, in contravention of or in conflict with or friction with the national authority. That was the object in creating the District of Columbia. The object was one thing. What is the effect? The effect of it is to have created a piece of ground, to have marked out a piece of territory, over which the Congress, as a body, was given absolute jurisdiction and legislative power.

Mr. MAPES. Yes; but now, if the people of the country—and I am only asking this for information; I have not any special opinion on the subject—if the people of the country delegated to Congress the exclusive legislative power over the District and thought it was for the

benefit of the country that Congress should exercise that jurisdiction exclusively, without regard to any referendum of the people, if they expressed themselves clearly in the Constitution would there be any limitation on the right of Congress to submit it to the people in the District?

Mr. DAVIS. Assuming that they expressed it in the way you evidently have in mind in your question, I should say that of course Congress would be limited by the language of the grant. But there is no limit to the language of this grant. Mark you, the power of Congress over this particular piece of ground that we are on rests upon its cession by the State of Maryland that was its sovereign before, and the Constitution of the United States merely gives Congress the right to be the recipient of this territory, and, when the recipient of it, to become its sovereign in place of the ceding State; and that is exactly what has happened, and that is the way the affairs of this District have been recognized to be administered.

Mr. MAPES. Then you would say that if the framers of the Constitution intended to make Congress the sole legislative body here, they did not express themselves to that effect in the Constitution?

Mr. DAVIS. I would say that the meaning of what they said is so plain—if you will pardon me, Mr. Mapes—that it can not be misunderstood. Here was a body composed of States—that is, potential States; they called themselves States, although they were Colonies, long before—here was a body composing an entirety, including all the States that were to form the Union. They agreed among themselves that, so far as the national power that they were about to create should be concerned, portions of the States should be absolutely ceded, and cease to be parts of the States, and that they should become a Federal territory and under the absolute and exclusive jurisdiction of the national authority in the process of creation. Maryland has no more relation to the District of Columbia to-day than New York or California, in respect of authority over it; nor has Virginia. The situation is that the States forming the Constitution said, "Let there be cut out of such of the States as are willing to give up the ground territory enough to make a seat of government. That being done, let the national authority have absolute authority over it." And that is what was done; and I call your attention again to the language of the act of cession, that is the same in the case of Virginia as in the case of Maryland:

That all that part of the said territory, called Columbia, which lies within the limit of this State, shall be, and the same is hereby, acknowledged to be forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right and exclusive jurisdiction, as well of soil as of persons residing, or to reside, thereon.

Mr. CROSSER. I can easily imagine where this section would be absolute and every vestige of authority which the State originally had gone, so far as the States are concerned, and yet there be some question as to the authority. I want to ask you about that, because I want to be cleared up on it.

Mr. DAVIS. Yes.

Mr. CROSSER. Supposing that the Constitution of the United States simply said that all legislative authority is vested in Congress; would you contend that we could then provide for a referendum vote on all matters?

Mr. DAVIS. I would; yes.

Mr. CROSSER. I ask you that question because of my own experience in the State of Ohio, where that language is used in the constitution.

Mr. DAVIS. Yes.

Mr. CROSSER. It says: "All legislative authority is hereby vested in an assembly to consist of a senate and a house of representatives," and we had to amend the constitution of the State of Ohio before we could provide for the initiative and referendum.

Mr. DAVIS. Well, you are speaking of a referendum in a different sense from the sense in which we are using the word here. I do not want to be drawn into a discussion of initiative and referendum, but what I desire to bring to your notice is this, that the division of powers among the legislative, executive, and judicial branches of the Government does not concern us here in the District of Columbia in considering this particular provision of the Constitution. Of course, plainly its object was to put the States to one side and to give the Congress exclusive legislative power.

Mr. CROSSER. Then you and I agree on that.

Mr. DAVIS. Now, that being so and there being no limitation in the Constitution upon the manner in which Congress shall exercise authority over the District of Columbia, its authority is, just as in the cession it was intended to be, absolute and exclusive. Now, permit me to go on for a moment and show you how Congress—

Mr. HILLIARD. May I ask you a question just before you start on that?

Mr. DAVIS. Yes.

Mr. HILLIARD. The referendum to which Mr. Crosser refers, which would be possible under the amended constitution of the State, if exercised by the State would be binding on the legislature and everybody else, would it not?

Mr. DAVIS. Yes.

Mr. HILLIARD. The referendum which you have here would simply have a moral force or suasion on the Congress?

Mr. DAVIS. No, sir; I ask for an outright referendum.

Mr. HILLIARD. What I mean is this, that Congress next day could repeal or cancel this authority, or do with it whatever it choose, notwithstanding the referendum, and however binding it might pretend a law to be that it passed at this session.

Mr. DAVIS. Yes; undoubtedly.

Mr. HILLIARD. And that illustrates the difference between the referendum in the States, which is allowable under a State constitution, and the referendum here which Congress would enact under the passage of a law.

Mr. DAVIS. Yes.

Mr. BAILEY. The hour of adjournment is here, Mr. Chairman. It is 10 minutes to 11.

Mr. JOHNSON. The hour of adjournment, as set by order of the committee two years ago, is 10 minutes to 12 o'clock.

Mr. BURKE. The session of the House commences at 11 this morning, and I understand the first thing to be taken up is a vote on the naval appropriation bill. I know the naval appropriation bill is to be taken up.

Mr. JOHNSON. A motion to adjourn is in order.

Mr. DAVIS. I regret very much, Mr. Chairman, that it will be impossible for me to appear on another day, unless it be some time next week.

Mr. JOHNSON. I am very anxious to hear your argument.

Mr. DAVIS. I want to say that I had the court accommodate me in order to be here to-day.

Mr. GOULD. May I ask a question? How long would it take the gentleman to finish?

Mr. DAVIS. Not to exceed 10 or 15 minutes.

Mr. GOULD. May I offer a motion—would it be in order for me to offer a motion that the committee continue that much longer in session?

Mr. JOHNSON. It does not require a motion. Unless the motion to adjourn prevails, we will just go ahead.

Mr. GOULD. I am very much interested in this whole matter.

Mr. JOHNSON. No motion is made to adjourn, and Mr. Davis may go ahead.

Mr. DAVIS. Thank you.

Mr. GOULD. Thank you.

Mr. DAVIS. I wish to call the attention of the committee, before coming to these enactments, to a very significant thing in the history of the District of Columbia. From the very first the anomalous situation of the District was a subject of notice not only by its own citizens but also by the Federal Government, and in his second annual message to Congress, in 1818, President Monroe spoke as follows, and this utterance has run like a thread through our community life ever since it was made:

The situation of this District, it is thought, requires the attention of Congress. By the Constitution, the power of legislation is exclusively vested in the Congress of the United States. In the exercise of this power, in which the people have no participation, Congress legislates in all cases directly on the local concerns of the District. As this is a departure, for a special purpose, from the general principles of our system, it may merit consideration whether an arrangement better adapted to the principles of our Government and to the particular interests of the people may not be devised which will neither infringe the Constitution nor affect the object which the provision in question was intended to secure.

That utterance of President Monroe's brought about a change in the conditions of the city which I have not time to go into, and from time to time the echoes of that speech being still heard, there were various changes in our form of government until we were given an outright territorial form of government in 1871. What caused the downfall of that government I have nothing now to do with; but it is a fact that the seeds sown by that remark of President Monroe's resulted in the end in the fruitage of a full-panoplied local government. That its abuses, which were due entirely to the administering of it, should have caused us to lose altogether the right of a voice in our affairs is beside the question I am here discussing, and I have not come to press upon the committee what I might press on them with some force, namely, that this community of nearly 400,000 people occupying the seat of government of the United States as its residence, and presumably certainly of the average intelligence of the land, is denied a voice not only in the slightest but in the most important affairs bearing upon its social and personal interests. I could develop

that theme, and I could speak to it willingly and at length, but I am not here for that purpose. That is not my part of this presentation.

I want to show you, if I may, that you have the right to do this thing and that you have the power to do it in the way we would have it done. I invite your attention first to the act of March 3, 1855, which is to be found in Tenth Statutes at Large, at page 642, entitled, "An act to improve the laws of the District of Columbia, and to codify the same." Now, mark you, the Congress of the United States has exclusive legislative power over the District of Columbia, and this is the way it exercised it once:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint two persons, learned in the law, to revise, simplify, digest, and codify the laws of said District; and, also, the rules and principles of practice, of pleadings, of evidence, and conveyancing; and, also, to add thereto, and codify such laws of the State of Maryland as may be, or become in force during the preparation of said code, and applicable to the circumstances and condition of said District; and the said code shall be constructed according to a simple method, and be expressed in language concise and plain, and, far as possible, be made level to the understanding of a person of ordinary intelligence and education; and it shall contain a full and particular index to all its contents; and the preparation of the said code shall be made under the superintendence and revision of the Attorney-General of the United States, and as the same progresses shall be printed, under his direction.

I stop there long enough to direct your attention to the fact that this act of Congress provided for the appointment by the President, with the assent of the Senate, of two men out of the community to write a body of laws for the community, and those two men were appointed, Robert Olds, afterwards United States district attorney, and Mr. William B. Cross, two eminent lawyers of that day, and they were entrusted by Congress with the preparation of an entire body of law, both substantive and adjective, having to do not only with the substance of the law but also pleadings, evidence, and everything else. In other words, these two men were put in the attitude of Justinian himself, making a new and entire body of law for the District of Columbia.

Then what was to be done? I read further on from this same act:

And when the said code shall be printed and distributed, the President of the United States shall, by his proclamation, appoint a time and places in the said District for taking the sense of the citizens thereof, for or against the adoption of the said code; and he shall cause judges to be selected who shall preside at such election, and he shall provide and proclaim the mode and rules of conducting the same, provided every free white male citizen of the United States, above the age of 21 years, who has resided in the said District for one year next preceding said election, shall be permitted to vote thereat; and the result of said election shall be reported to the said President, and the same, with the said code, be by him reported to Congress, and when ratified and approved by the same, he shall, by his proclamation, declare it to be in force, from the day of the date thereof, as the law of the said District of Columbia; and the same, when so proclaimed, shall thereafter be, and remain as such, without any further act or proceedings to that effect, until altered or repealed by the Congress of the United States.

Mr. BURKE. I beg your pardon; what is the title of that act?

Mr. DAVIS. Its title is "An act to improve the laws of the District of Columbia, and to codify the same," approved March 3, 1855. There is a note in the margin giving the date as March 4, which is an error. The bill was passed on March 3, 1855. It is in Tenth Statutes at Large, page 642.

I have a more important one than that, yet; I mean to say so far as the manner of Congress dealing with this question is concerned

Mr. BURKE. Just a question, there. Is there any provision in there showing the qualifications of voters in the District of Columbia?

Mr. DAVIS. No, sir; only free white male citizens above the age of 21 years. That was the voting requirement throughout the country then, as you will remember, in 1855; free white male citizens, above the age of 21 years.

Now I wish to impress upon the committee the fact that here was an outright commitment by the Congress of the United States to two gentlemen of the community, of the bar, appointed by the President to make a body of laws for the District of Columbia, and that code did not become law simply because the citizens repudiated it at the polls by a majority of something like 2,200. There were provisions in the code that drew antagonism to it, and, historically, I know why; and the code was beaten. Now, that code was printed and put to vote in 1857.

Mr. MAPES. The law never became operative?

Mr. DAVIS. No, sir; never, although I have seen law books quoting from it as though it had been adopted—I mean text books, giving references to the code of 1857, as though it had become law.

This was in 1855. Now, before Congress did this, in 1846, I wish to call your attention to the way in which Virginia's portion of the District of Columbia was retroceded. If it be an important thing to intrust to representatives of the community the making of a code of laws for the District, how much more weighty and important a thing is it to intrust to the citizens of a portion of the community the determination of the question whether they shall cease to be under the jurisdiction of the Federal Government. That is just what was done in the retrocession.

Mr. WILSON. That would have become effective by a proclamation of the President without further reference to Congress.

Mr. DAVIS. I think there is little room to doubt that.

Mr. JOHNSON. It says, "shall be approved by Congress."

Mr. DAVIS. I quote again from page 643, the same act: "And the result of said election shall be reported to the said President, and the same, with the said code, be by him reported to Congress, and when ratified and approved by the same," etc.

Congress had to approve this code after it had been passed upon by the people. But what I am getting at is a different story. Now, when the people of the Virginia part of the District of Columbia wanted to have this to go back to the State of Virginia, Congress passed this act which did not say anything at all about coming back to Congress to be approved after the people had voted, as you will see. I read section 4 of the act of July 9, 1846, which is to be found on the Ninth Statutes at Large, page 30:

SEC. 4. *And be it further enacted*, That this act shall not be in force until after the assent of the people of the county and town of Alexandria shall be given to it in the mode hereinafter provided. Immediately after the close of the present session of Congress the President of the United States shall appoint five commissioners (any three of whom may act), citizens of the said town or county of Alexandria, and freeholders within the same, who shall be sworn, before some justice of the peace in and for the said town or county, to discharge the duties hereby imposed upon them faithfully, impartially, and to the best of their ability. These commissioners, or any of them, shall proceed, within 10 days after they are notified of their appointment, to fix upon the time,

place, and manner, of taking the vote within the town or county of Alexandria, and shall give notice of the same by advertisement in the newspapers of the said town. And on the day and at the place so appointed, every free white man citizen of the United States, who shall have resided in said county of Alexandria for six months preceding the time when he offers his vote, insane persons and paupers excepted, shall vote viva voce upon the question of accepting or rejecting the provisions of this act. The said commissioners shall preside when this vote is taken, and decide all questions arising in relation to the right of voting under this act. Within three days after this vote is taken as aforesaid, the said commissioners shall make out three statements of the result of this poll, upon oath, and under their seals. Of these, one shall be transmitted to the President of the United States, one to the governor of the Commonwealth of Virginia, and one shall be deposited in the clerk's office of the county court of Alexandria. If a majority of the votes so given shall be cast against accepting the provisions of this act, then it shall be void and of no effect; but if the majority of the said votes should be in favor of accepting the provisions of this act, then this act shall be in full force, and it shall be the duty of the President of the United States to inform the governor of Virginia that this act is in full force and effect, and to make proclamation of the fact.

Now, there you have an absolute commitment to the people of the Virginia half of this District of the power to make a law to take themselves out from under the authority of the United States; and that they did. How could language be plainer than that? Could you have a more forcible illustration of the extent to which the power of Congress has in past years been construed to go than by this very act that I have here read to you?

Now, let me briefly put these things in their chronological place. The Constitution gives the Congress of the United States absolute legislative authority over this District of Columbia. The State of Maryland ceded to the United States in absolute and full dominion as well the soil as persons residing and to reside thereon. Mr. Monroe in his second annual message called attention to the anomaly of this District, and, acting upon the suggestion falling from him, we went on step by step until we were given a full panoplied self-government, which was lost, as I have already stated, through no fault of the citizens of this community. We have here in this act of retrocession to Virginia, passed in 1846, a complete illustration of Congress's own conception of its own powers and authority, and it committed to the citizens residing in the Virginia half of the District of Columbia the right by their own viva voce votes to make a law taking that territory away from the United States and taking themselves away from under the authority of the United States and casting both back into Virginia's lap; and finally that other law was passed providing for the enactment of a code, the making of a code, by the people of the community, not, however, to become a law until they first should say so.

Mr. JOHNSON. A number of times I have seen in the local papers a statement to the effect that ex-President Taft is of the opinion that that act is unconstitutional; and recently I have seen in the Washington Star, I believe, editorials to the same effect.

Mr. MAPES. Which act is that, Mr. Chairman?

Mr. DAVIS. The act of retrocession.

Mr. JOHNSON. The act of 1846; and very recently I saw an article in the Star from Mr. Hannis Taylor much along the same line. Have you ever heard that argument before?

Mr. DAVIS. Oh, yes. If you will permit me to say so, I have read them all, and with the greatest deference to these gentlemen, I think

Hannis Taylor is not of the opinion that that is an unconstitutional act.

Mr. JOHNSON. I infer as much from an article that I recently saw in the Star.

Mr. DAVIS. Well, I have talked with him about it.

Mr. JOHNSON. Perhaps you saw an article in the Star discussing the resolution for suffrage introduced in the Senate by Senator Chamberlain.

Mr. DAVIS. If I may be permitted to say so, I am perfectly familiar with the literature of this subject. Every argument that has been addressed on that side of the question has struck at the words "delegation of authority." Every argument has stuck in that one expression, and here there is no delegation. There is here absolute cession of soil and of community. That is not delegation. And when the constitutional convention said, "We propose to have carved out of this aggregate of territory comprising the States a piece of ground which shall be unique, and to which the States shall have no relation and which shall be ceded and relinquished in absolute right to the National Government, which shall have absolute power over it," there is no room to talk about delegation of authority at all. It is cession in absolute sovereignty and dominion.

Mr. MAPES. This question has never been before the courts, I assume.

Mr. DAVIS. No, sir; it never has. Nobody has ever brought it to the attention of a court.

Mr. MAPES. Of course, as to these other questions, probably the fact that the code was defeated——

Mr. DAVIS. Eliminated that.

Mr. MAPES. Eliminated that.

Mr. DAVIS. Yes.

Mr. MAPES. And no one seems to have taken enough interest in the receding of the ground of Virginia to bring that up.

Mr. DAVIS. Oh, yes; not to bring suit about it. At the time there was a great polemic about it. The newspapers of that time, and many pamphlets, discussed the matter with the greatest fullness, not to say acrimony; and this thing was not done in a corner and was not passed sub silentio, and it was one of the most actively and acutely discussed things ever done in this community, but it never was brought to judicial test. Whether because the community submitted to it, or whether because men who had the contrary opinion came to the conclusion that the Congress had the right to do the thing, or for whatever reason, it never was brought to judicial consideration. But I cite these things to you to show that in these two remarkably important instances Congress recognized its right to make a referendum to the people of the community. In one case it made the referendum conditional in that Congress would have to approve the result of it before the referendum should become effective. In the other and more important case of the cession of the territory back to Virginia, Congress left it to the people of that half of the District of Columbia to say whether what it had enacted should become a law.

Now, I am very grateful to the committee not only for hearing me at all, but for granting me this extension, and I want to say, in response to the question that Mr. Lloyd asked me in the outset, that

I am here in nobody's behalf except these gentlemen who are together concerned in endeavoring to get a vote of the people of this community upon a question that touches them in every walk of life, in their homes as well as in their going about the streets.

Mr. LLOYD. I did not ask the question in any offensive sense.

Mr. DAVIS. Oh, I did not take it so, sir. I am glad you did, because it gave me the opportunity to say what I would have thought it bad taste, otherwise, to say.

Mr. JOHNSON. Does the act of February 21, 1871, in your opinion, creating the territorial form of government and at the same time creating a legislative body to be elected by the people, have any bearing upon the subject?

Mr. DAVIS. Yes, sir; by the same token that the Congress of the United States had the right to give us a government by a board of common council and a board of aldermen, by the same token it has the authority to give us the Federal representation, by that token it has the right to do this thing that I stand for.

Mr. JOHNSON. Do you recall the permission to the people of the District of Columbia during the Shepherd régime?

Mr. DAVIS. Of the bond issue?

Mr. JOHNSON. Of the bond issue.

Mr. DAVIS. Yes, I remember it very well.

Mr. JOHNSON. Does that have any bearing upon this?

Mr. DAVIS. Just the same. It is all in line. Congress naturally and properly limited the borrowing power of that legislature. It did not do very much good so far as the result was concerned, because the legislature exceeded the bounds set it by Congress; but in respect of certain indebtedness, Congress provided that that should not be incurred without the referendum to the people.

Mr. JOHNSON. It was referred?

Mr. DAVIS. It was referred and voted upon.

Mr. JOHNSON. And voted upon favorably?

Mr. DAVIS. It was voted upon favorably. These 3.65 bonds you are helping to pay to-day are in part paying the debt created by that vote.

Mr. JOHNSON. Those bonds were funded into the 3.65 bonds?

Mr. DAVIS. Those bonds represented in part the debt which was ultimately funded in the 3.65 bonds you are paying off to-day.

Mr. JOHNSON. So far as the \$22,000,000 is concerned.

Mr. DAVIS. Yes.

Mr. JOHNSON. Existing at the time the present form of government was established?

Mr. DAVIS. Yes, that is right.

Mr. BURKE. Mr. Davis, this self-government consisting of a common council, etc., was instituted in 1871, as I understand it—

Mr. DAVIS. Yes.

Mr. BURKE. How long was the District governed by that council?

Mr. DAVIS. Oh, in 1801—

Mr. JOHNSON. I can state that for him; until repealed by the act of June 20, 1874.

Mr. DAVIS. That is right; but Mr. Burke had an idea that we had not self-government here before. We had a charter government with a mayor and a board of aldermen and a common council, from 1802.

Mr. BURKE. How long did that last?

Mr. DAVIS. Until 1871.

Mr. BURKE. I understood you to say that the city form of government was granted you in 1871.

Mr. DAVIS. No.

Mr. JOHNSON. Until the act of February 21, 1871, you had three units of government here, the city of Washington, the city of Georgetown, and the county of Washington, commonly called the levy court.

Mr. DAVIS. Yes.

Mr. JOHNSON. And those three units were merged into one by the act of February 21, 1871, under the name of the District of Columbia, and that form of government continued until repealed by the act of June 20, 1874; and that act—

Mr. DAVIS. Was made permanent.

Mr. JOHNSON. Was made permanent; subject to a great many changes, however, made by the act of June 11, 1878, now known as the organic act.

Mr. DAVIS. Yes.

Mr. CROSSER. One of the members of the committee who is not a lawyer, and is a little bit backward about asking questions, has asked me to ask you what your opinion is about the effect of enabling all citizens of 21 years of age living here a year to vote—what effect that would have on the right to vote in the States?

Mr. DAVIS. I do not think it would affect it, and I will tell you why. The laws of the States, as I understand it, provide against any of the voters of the States claiming a voting residence elsewhere; but here is a case in which a plebiscite is to be taken, in the language of the French. We are going to count noses of the people who are in the community and entitled to residence, without reference to citizenship. There can be no such thing as a citizen of the District of Columbia, because citizenship is a relationship that a man bears to a sovereign, and we have no sovereign. We are citizens of the United States but not of the District of Columbia.

Mr. JOHNSON. Right there; if this referendum is given to the people for the purpose that they themselves may make law, that is a different proposition from an open plebiscite where it is referred to them for their opinion.

Mr. DAVIS. That is what I am asking, to have you write this law and pass it down to us. I do not want to have any word in making it, or the community to have any word in making it, but I want you to write it and pass it down to us to say yes or no.

Mr. JOHNSON. Yes; but the committee is now considering it from the standpoint of prohibition.

Mr. DAVIS. Yes; I understand. I would not have a mass convention of the people of this town to try to write a liquor law. [Laughter.] God forbid! I am willing and anxious to have you gentlemen write a law, or for Congress to pass a law, and hand it down to us.

Mr. JOHNSON. The question I was endeavoring to get at makes this distinction between the right of the people to actually make a law, and what may be termed a plebiscite, a reference to them for a recommendation to the Congress.

Mr. DAVIS. Now, I would not ask that, but what I do ask is that in a matter of this importance, touching us so nearly as this thing does, you shall not give effect to your legislation until we shall have had a chance to accept or reject it.

Mr. LLOYD. May I ask you a question in that connection?

Mr. DAVIS. Yes.

Mr. LLOYD. It is a very important question with us, and you should be heard on that proposition as well as the rest. Who should be qualified to vote?

Mr. DAVIS. Well, sir, I will answer that question for my individual self. I can not see how you can make any discrimination in the community. I would give everyone over 21 years of age a right to vote.

Mr. LLOYD. Male and female?

Mr. DAVIS. Male and female.

Mr. LOBECK. Would you prescribe any length of residence?

Mr. DAVIS. Oh, yes; after a year's residence. I would give every Government employee living here the right to vote as an inhabitant of this particular place, not as a citizen of the District, for there is no such thing, and I am clear in my own judgment that the voting by him here under the provisions of this act, if it should become law, would not interfere in the slightest with the right to retain his vote in his State.

But, now, Mr. Lloyd, there is this difficulty about this, and everybody must concede it. There are criminal classes everywhere. They have the right to vote in this case. You can not help it. You can not undertake to get those people out without you take upon yourselves the solution of a problem that is practically insoluble by reason of its inherent difficulties.

Mr. BURKE. The States have provisions in their laws with respect to criminals voting.

Mr. DAVIS. Certainly. They deny the franchise to people who have been convicted of infamous crimes and offenses involving moral turpitude, of which there are but very few in this District. And let me clear this up. I say, Mr. Lloyd, you can not cut and pick and choose. If you are going to give this referendum to anybody, give it to everybody, black and white, male and female, above the age of 21 years, who has resided here a year or longer, including those employed in the Government departments. Make it a plebiscite and be done with it. Now, I myself want to say this; I hear a great deal about the District of Columbia and about its morale and all that sort of thing. I will challenge anybody to find a community of its size with less crime in it of a serious nature.

Mr. LLOYD. I think you are right about that.

Mr. DAVIS. Yes, sir.

Mr. LLOYD. I regret very much the disposition of the people of the District of Columbia to convey the other idea.

Mr. DAVIS. No, sir. May I say this: For more than four years I administered the office of the attorney of the corporation of the District of Columbia, and I was at one time United States attorney and administered that office. If there is a man in this room who has been brought into contact with the lower and the vicious and the criminal class more nearly than I have I do not know him, and I want to bear my testimony that this is as orderly and well-governed and well-

behaved a community as exists on earth to-day, and the percentage of crime worth naming is the smallest in proportion to the population that you can find. We are a good community and a law-abiding community.

Mr. JOHNSON. Do you know what the monthly average number of persons found drunk is here?

Mr. DAVIS. No, sir; I do not know.

Mr. JOHNSON. Does it not run along 500 or 600 a month?

Mr. DAVIS. I can easily find out.

Mr. JOHNSON. I wanted to ask you if you knew that, and if you did, to state it; and then I was going to ask you if you knew the number of arrests for drunkenness in cities of comparable size.

Mr. DAVIS. I can easily furnish the statistics, and will be glad to.

Mr. JOHNSON. You do not refer to drunkenness as a crime?

Mr. DAVIS. On the contrary, I said crimes worth naming as such.

Mr. JOHNSON. I thought my question was pertinent in dealing with the liquor question.

Mr. DAVIS. Yes; and the only reason that there are so many more arrests for drunkenness now is because there were no arrests for drunkenness before the Jones-Works bill. It was not an offense to get drunk.

Mr. JOHNSON. Yes.

Mr. DAVIS. And these fellows who are now caught by the police in their net and taken into the police court, they are drunken men who, before the passage of this law, would either be sober, or left undisturbed; so that that is really no fair test.

Mr. JOHNSON. Then you do not mean to say that because there was no law punishing drunkenness, there was no drunkenness.

Mr. DAVIS. I do not mean to say that. I do not mean to say that the community has deteriorated.

Mr. CARY. Have you read section 3 in my referendum resolution?

Mr. DAVIS. Yes, sir.

Mr. CARY. What is your opinion of that?

Mr. DAVIS. That is just about what I think ought to be done. [After examining resolution.] That is right. I agree to that.

Mr. MAPES. In that connection, would you have Members of Congress vote who had been here a year or more?

Mr. DAVIS. Yes; I would have Members vote. Why not?

Mr. MAPES. And members of the Cabinet?

Mr. DAVIS. Yes.

Mr. MAPES. As temporary residents they have no permanent interest in the District, have they?

Mr. MAPES. I do not regard it in that way. They have an interest in the conduct of the community in which they live from day to day. They are just as much interested in seeing the liquor business properly handled here as if they were dealing with their own States. It is not a question of property that we are dealing with. We are not voting away people's property, and we are not undertaking to put limitations upon the people's rights to hold property, but we are undertaking to establish what you may call a moral atmosphere, and in the accomplishment of that object they have as much right to participate as anybody else.

Mr. FOCHT. In your opinion, if you have a referendum in the District, then what is your idea about the construction of that conclu-

sion and decision on the part of the people here, whether it should be thrown wide open, or should you have the excise board continue to hold it in subjection and control as it does now, or what is your idea, in case the vote here should be to put on the referendum? What are we to look forward to?

Mr. DAVIS. My idea is for you to write a law and embody, if you choose, the present Jones-Works law, and say that that is to be the law, with such qualifications as may be attached to it, provided the people say yes, and otherwise no. I do not want it to be left to the community to say what this law shall be; but you write the law and put as many stringent provisions in it as you think proper, but do not vote us bone dry without giving us a chance to be heard.

Mr. FOCHT. I believe Mr. Barkley made the statement that possibly, as it is impossible for this law to go into effect November 1, 1916, it might be interpreted by the court that the law should go into effect in 1918, next year, or at once. In that event, I understand that its going into effect at once would mean the closing up of everything the next day after the signing of the bill by the President.

Mr. DAVIS. Yes; that is right.

Mr. FOCHT. What is your interpretation of that?

Mr. DAVIS. As I understand it, this bill in the Senate as it passed said that this should go into effect on November 1, 1916. Of course, if that remains in there, November 1, 1916, the moment the President signs it, it is the law.

Mr. BARKLEY. The first paragraph provided that it should go into effect on November 1, 1917, and in the last paragraph it says, by oversight, November 1, 1916. If it was not changed the only effective date left in the bill would be November 1, 1917.

Mr. DAVIS. But I assume when it goes back to the Senate, if it is changed in any particular, that date, 1916, will be made 1917, and the difficulty will disappear.

Mr. CARY. I move we adjourn now.

Mr. BAILEY. I second the motion.

Mr. MAPES. We do not intend to change it, Mr. Davis.

Mr. DAVIS. You do not intend to change it?

Mr. MAPES. Yes.

Mr. JOHNSON. The committee will stand adjourned until 10 o'clock to-morrow.

(At 12 o'clock m. the committee adjourned until to-morrow, Wednesday, February 14, 1917, at 10 o'clock a. m.)

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA

HEARINGS

BEFORE

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

**SIXTY-FOURTH CONGRESS
SECOND SESSION**

ON

S. 1082

**TO PREVENT THE MANUFACTURE AND SALE OF ALCOHOLIC
LIQUORS IN THE DISTRICT OF COLUMBIA,
AND FOR OTHER PURPOSES**

FEBRUARY 14, 1917

PART 5



**WASHINGTON
GOVERNMENT PRINTING OFFICE
1917**

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Wednesday, February 14, 1917.

The committee met at 10 o'clock a. m., Hon. Ben Johnson (chairman) presiding.

Mr. JOHNSON. Mr. Columbus, whom will you have this morning?

Mr. COLUMBUS. Mr. Chairman, the members of the committee are here this morning from the chamber of commerce, one of our most representative organizations, who have sent a committee to plead the referendum clause for that organization. I would like to first present a resolution adopted by the chamber of commerce, as follows:

Be it resolved by the Washington Chamber of Commerce, That it favors a referendum on the question of prohibition before any prohibition act is passed by Congress for the District of Columbia.

Be it further resolved, That a copy of this resolution be sent to the President of the Senate and the Speaker of the House of Representatives.

The above was adopted by the Washington Chamber of Commerce February 8, 1916.

True copy.

THOMAS GRANT,
Secretary.

As a further earnest, gentlemen, of the character of this organization I would like to submit the names of the officers and directors.

(The names of the officers and directors of the Washington Chamber of Commerce are here printed in the record as follows:)

A. Leftwich Sinclair, president; Albert Schulteis, first vice president; Isaac Gans, second vice president; Ralph W. Lee, treasurer; Thomas Grant, secretary; Chapin Brown, general counsel. Directors: William D. Barry, Roy C. Claffin, Charles W. Clagett, E. C. Graham, Charles L. Howser, Samuel A. Kimberly, P. T. Moran, James F. Oyster, D. S. Porter, William McK. Stowell, Dr. Lewis J. Battle, John G. Capers, Merritt O. Chance, Henry H. Glassie, Benjamin W. Guy, D. J. Kaufman, Clarence P. King, Louis Ottenberg, Cuno H. Rudolph, Joseph I. Weller, Joseph Berberich, Appleton P. Clark, jr., William M. Dove, William T. Galliher, William F. Gude, W. J. Kehoe, A. F. Jorss, George H. Judd, Claude E. Miller, Henry T. Ofterdinger.

Mr. COLUMBUS. The first speaker for the chamber of commerce will be Mr. John G. Capers, who has been residing in Washington for the last 17 years, during a part of which time he was Commissioner of Internal Revenue, and previous to coming to Washington he was attorney in his State, South Carolina.

Mr. JOHNSON. You may proceed, Mr. Capers.

STATEMENT OF MR. JOHN G. CAPERS.

Mr. CAPERS. Mr. Chairman and gentlemen of the committee, I presume I should first indicate the way in which I am locally interested in anything that would look to the good and the prosperity of Washington and the District of Columbia in addition to the same feeling that I feel sure is in the breasts of all of the citizens of the country who have an indirect interest, to say the least of it, in the National Capital.

I moved to Washington 21 years ago, and during that time was sent back to my home State as United States district attorney. As soon as I completed one term in that office I removed to Washington, however, and have therefore lived here about 17 years.

I am a member of the board of trade and one of the directors of the Washington Chamber of Commerce, and a member of the press, which I mention only to indicate my local touch with affairs here in Washington.

I represent the chamber of commerce by an appointment, first, of the president of the chamber, and afterwards election by the board of directors of the chamber in conjunction with Miss O'Toole, who is a lady member of the chamber of commerce and with me represents that body here.

I also received, and am here in response to, an invitation from the referendum association of the District. I presume that it is unnecessary to suggest that in neither capacity do I appear as an employed counsel. I am here representing those associations by selection in one case and by invitation in the other.

Mr. Chairman and gentlemen of the committee, there are some of you gentlemen who know me in connection with my work on the board of trade and the chamber of commerce, on its committees which have urged the appearance before those bodies from time to time of Members of Congress and, as nearly as we can get them, members of this committee, so that they might acquaint themselves with the local conditions here; and I feel that some of you, at least, recognize the fact that I do not belong to, and I have never belonged to, those residents of Washington who have sympathized with or indulged in criticism of the efforts of this committee to manage the affairs of the District of Columbia. I do not know a committee of Congress that has such a thankless task as the Committee on the District of Columbia. The chairman of this committee is practically the mayor of this city, and the members of the committee have almost that responsibility, and yet you can not go back home to your own constituents and explain why you neglected anything of vital interest to them back home upon any explanation that you were attending to the affairs of the District of Columbia. I know that the people all over the country are interested in the National Capital, and feel that they are part owners of it, and at the same time you are here representing congressional districts and stated constituencies, and they expect you to attend to their business; and that is only another reason why the time you spend here on the affairs of the District of Columbia is just that much extra work over and above what other Members of Congress do who have only their congressional districts' interests to attend to.

Furthermore, gentlemen, I am satisfied from the personnel of this particular committee and of the committees that have preceded you, those that I have had the pleasure to know personally, for I do not think I have ever appeared before the committee in a public way before, I believe you want to conduct the affairs of this District in the very best possible way, and in the interest of those who live here as well as in the interest of those who do not live here and who are interested because it is the national capital; and further, I believe you are all human, and that you do not want to have to assume any more work than you have to assume in the discharge of your duty.

And that leads me up to the suggestion that if this agitation for a referendum is going to bring about in the minds of this committee an easier and more effective and more representative work and result, I believe that you will sustain a proposition that will accomplish that.

Now, in this referendum matter, I realize that it is not only in the minds of this committee, but that it is in the minds of everybody in Washington, that deplorable conditions existed here in the local form of government, and the failure and fiasco that have attended every effort in this District with possibly one or two exceptions to hold elections and elect delegates to the national conventions have put a bad taste in the mouths of this committee and of the people generally as to the possibility of the people of the District passing in an orderly, lawful, dignified way, upon matters that are of local interest to them. I know that is a fact, and it is unfortunate that the efforts which have been made in the two ways, particularly, that I mention, for some form of representation through voting at elections—it is unfortunate that those things have turned out in such a way.

Mr. JOHNSON. There was no legal election.

Mr. CAPERS. There were not legal elections, of course.

Mr. JOHNSON. There was no legal restraint put upon them and there were no officially appointed election officers.

Mr. CAPERS. Absolutely so; and yet the miserable fiasco went out, naturally, to the public, and had a bad effect; and I believe it misrepresented the capacity of the people of the District under law and under proper regulation to conduct a lawful and orderly election. I believe they can do it, and I believe if you give them the opportunity that they will do it; and I think, Mr. Chairman and gentlemen of the committee that it is fair to the people of the District for you to give them an opportunity to show that they can conduct an orderly election in this District upon a public matter.

As Mr. Davis stated yesterday you frame the law yourselves. If it is the Commissioners of the District who are to undertake the regulations governing the election, or any other constituted authority let it be as directed by legislation; and as the result of that I am satisfied that it would show to the people of the District, it would show to this committee, and it would show to Congress, that under those circumstances the people of this District can conduct an orderly election. I believe that this prohibition question, which brings about the first suggestion as to a referendum, may or may not be an unfortunate test, simply because as we all know, unlike a referendum upon some of the many other matters that have been suggested, there is a great deal of feeling and a great deal of sentiment that will enter into an election of that kind. But in spite of that fact, I believe that the result of it would show that the people of this District can conduct an orderly and a legal election to the satisfaction of this committee and of Congress.

Mr. Chairman, having been for a little over four years a prosecuting officer as a United States district attorney, and after that United States Commissioner of Internal Revenue, my mind naturally leads me to think about the enforcement of the law. That was what I had to do. And it is quite natural, when this question comes up, that I should think about how the law is going to be enforced. I believe the good people who agitate prohibition for the District feel so deeply upon the subject that they have an idea that if they can just get the

law on the statute book, that will be more or less the end of the trouble. Now, I want to say to you as a former prosecuting officer that I believe that will be the beginning of the trouble and not the end of it, unless the people of the District have been given an opportunity to express themselves on the subject. I believe, in other words, that if the people of this District are allowed to express themselves upon that proposition, as a result of which a prohibition law prevails, has received a majority of the votes, there would certainly be no excuse, and ought to be no patience with, violations of the law after having been agreed upon by a tribunal of the selection of those who opposed prohibition; and therefore I believe that the enforcement of the law would be assured, within human experience, as a result of this committee and Congress allowing the people of the District to pass upon it.

Mr. MAPES. Mr. Capers, will it interfere with your argument if we interrupt you?

Mr. CAPERS. Not at all, sir.

Mr. MAPES. Whom would you allow to vote, if it be permitted to the people of the District of Columbia?

Mr. CAPERS. Well, as I would mention the best first, I would certainly allow the ladies to vote; and of course I would have the ordinary provision about voters being 21 years of age and having resided in the District for at least a year. I am not quite prepared to say that I would not, in addition, have some alternative property or educational qualification. I say that in the interest of all, what I have just announced, that I want a real, orderly, legal, representative election, and I am rather inclined to think that the recommendations that I mentioned, especially the one as to some form of intelligent information upon subjects, could be made a minimum standard, and yet avoid what might be called the danger of just allowing anybody and everybody to vote, coupled, of course, with the proposition as to prior convictions for crime, and all that kind of thing.

Mr. BURKE. My friend, is there not a natural presumption that the citizens of the District of Columbia over 21 years of age are qualified educationally to discharge the duties?

Mr. CAPERS. I am satisfied that they all are who have lived here any length of time; but there are many who drift in, and who have drifted in, and I do not know where they came from and I can not speak for them. But those who have been in this District any reasonable length of time in my judgment would absorb enough intelligence and knowledge to vote in any election.

Mr. BURKE. Would you have any property qualification?

Mr. CAPERS. I doubt whether I would. I would rather include an alternative proposition, as they have in many of the States.

Mr. BURKE. Would you let both the white and the colored vote?

Mr. CAPERS. Yes; if they met the requirements.

Mr. BURKE. Then, practically, you would let everybody vote that had been here a year who was over 21 years of age?

Mr. CAPERS. Yes; except that if I was drafting the bill I think I would put some minimum qualification, alternatively, either property qualification or educationally alternative. That is the law in my State, and I am perhaps prejudiced in favor of it. And I further want to say this, that I want to keep up the idea, and the very proper idea, that this whole country is interested in anything that interests

the Capital, and if I was drafting that bill I would favor that there be a provision that in order to carry out that general plan all Members of Congress and all United States Senators and the members of the Cabinet of the then administration, whatever it was, should be eligible to vote in such a primary or referendum, and that would carry out the proposition that you gentlemen when you went back to your respective States could say, "When I was in Washington I voted under this special law, and I voted for this proposition." It would allow every man, it seems to me, to stand upon his own feet at home upon such a proposition as this.

Mr. MAPES. Would you make citizenship of the United States a qualification for voting?

Mr. CAPERS. I do not think you would do that, or you would exclude all those who were residents in the District of Columbia, because I do not see exactly how people in the position of those in the District of Columbia, without some change in the law, either the Constitution or the statute law, or both, could become citizens in the sense that you are a citizen from your State, because we have no sovereign here. Congress is absolutely in charge of the machinery for legislation in the District of Columbia.

Mr. MAPES. Would you allow representatives of foreign Governments who have been here 1 year or 10 years to vote?

Mr. CAPERS. No, sir; I would not. I think we have got just as much as we can do now to attend to our own affairs of our own people, whether they happen to be from the District or not. But I will not encroach upon the able presentation of my friend Mr. Davis any further than to say this, somewhat in connection with the question asked. I know that Congress has the exclusive legislative power over this District. While I know that such a thing as statehood for this District is absurd to contemplate under the circumstances, at the same time I believe that the right of Congress to legislate in connection with allowing a referendum is simply a method they use for carrying out the legislation that the Constitution and the law gives them to do. I regard the referendum as simply a method of legislation described by you, the only power that there is. You can, in other words, adopt a referendum, and you can fix the terms of the referendum, and fix the qualifications of those who can participate in the referendum vote, and when you do that, in my judgment you have not gone a hair's breadth out of the legislative responsibility, exclusive if you may have it, that you may have, and that you have done that thing simply as a method to carry out the legislation that you believe is best for the District of Columbia.

Now, I feel this, too: I believe that the members of this committee and that the Members of Congress are sensible of the agitation that is now in progress for some form of representation from this District in legislative matters. It may be, it has occurred to me, that if a referendum vote upon this or any other vital question could demonstrate to Congress that such a means of expression was representative of those who live here, it might be regarded as a sufficient form of representation from those people, and thus put at rest the agitation for representatives in the House of Representatives and in the Senate. For my part, personally, I think there should be representatives from this District in both branches of Congress; but if this referendum demonstrates that the people can do this thing in that way, in

orderly fashion, it may offer a means of relief to some of those Members of Congress who violently oppose any other form of representation of the District, and it may go a long way toward satisfying those, themselves, in the District agitating the other proposition. In other words, we are in the position of wanting an opportunity to show that we can do, even upon a quasi sentimental matter like this, the orderly, fair, and just thing in this District, and as I stated, that we can abide by the results of that referendum vote.

It is quite easy, Mr. Chairman, for a man to take illustrations from those things he is most familiar with. Let me illustrate, for instance, the stages through which my home State, South Carolina, has gone upon this prohibition question. A little over 20 years ago when Senator Tillman was governor of that State, a majority of the legislature came to Columbia, its capital, in favor of prohibition; not necessarily a majority instructed, but a majority certainly, in favor of it; and Senator Tillman, then governor of the State, exercised a wisdom it was not supposed at that time he had, but a wisdom which he has ably demonstrated since that he does possess, both as governor of the State and as a Senator; and instead of prohibition he conceived and formulated a plan called the dispensary system. Before that was done there were from 3 to 15 bars in every town of the State of 2,000 inhabitants. The result of that dispensary proposition was that the open bars were closed, and there was a plan fixed by which whisky could be gotten from dispensaries—a stated number in each county—and bought in less quantities than a pint and not consumed on the premises, etc. That scheme went through, but Senator Tillman, in the wisdom I speak of, from his viewpoint, refused to submit that dispensary proposition to the people. He felt that at that time the change was so sudden that they were not prepared, and he really felt that it was the duty of the legislature to put it over and see if it would operate, and that later on it should be submitted to the people. Therefore the dispensary proposition was not submitted to the people, and therefore the violations of law became overwhelming. Corruption entered into the system, so much so that a law was passed then by the legislature in the form of local county option on the dispensary proposition. The open-bar business was gone forever. Then the law was that each county decide for itself what it would have in each county—whether it would have the dispensary or not. But that was not sufficient. The voice of the people of that State had not been heard.

Following that, therefore, came the real proposition—one for outright prohibition. A prohibition law passed the legislature and the people were allowed, from one end of the State to the other, to vote upon the prohibition question, and they voted in favor of prohibition; as a result of which even in Charleston, a seacoast city, with its splendid harbor and all the means and facilities for getting liquor into that city, in which city no governor following Governor Tillman has ever been able to enforce the law, it is a matter of public knowledge that since the people have passed upon prohibition and passed favorably upon it in that State, even in Charleston as the result of it the prohibition law is enforced within all human limitations, because, of course, even our penal statutes do not prevent crime, and no law can prevent, possibly, some form of violation. And just so, that spirit was felt the other day in New York by Mayor Mitchel, of New

York City, who has before him now the serious question of whether or not bars are to be open in that great city on Sunday, and Mayor Mitchel has issued a public statement in which he says that he proposes to urge that it be left to the various sections of the city to decide whether or not in the stated jurisdictions the bars shall be open or not, and he gives this reason. He says: "If I attempt to close the bars in sections of New York where public sentiment is in favor of their being open, it will demoralize the police force and upset all that has been done toward stopping all forms of graft." He realizes very keenly that he has got to have public sentiment behind him in the enforcement of that law. And that goes, Mr. Chairman and gentlemen, to the proposition that it would be so much easier in this District to enforce this law if the people had had an opportunity to pass upon it.

I was very much impressed with a statement I heard made in the board of trade by a Senator in one of the addresses that we had. At the chamber of commerce last night we had a splendid address from Senator Reed. We endeavor in the trade bodies of Washington to bring the Congressmen and Senators with us, in order that you might understand us and sympathize with us, and in that spirit we had a Senator from the far West with us at the board of trade two or three weeks ago, and he made this statement. He said: "I sometimes feel that the people of the District of Columbia are making a mistake in urging that they have representation in Congress. As it is," he said, "the Congressmen are interested in Washington as the National Capital, and if you had Representatives there there would be no doubt a disposition to allow your Representatives to take care of the situation as best they could." As former Congressman Cox, familiarly known as "Sunset Cox," from New York, said in making his splendid address upon the occasion of the dual admittance to the Union of the Dakotas, 28 years ago, he spoke of the way in which those two theretofore Territories, and all the other Territories that hammered away at Congress upon the proposition that the people from their own soil and of their own selection could best represent them and their interests, and he called attention to the language of the French philosopher and poet, Rousseau, who had advocated in his "Social Compact," you gentlemen will remember, that the best government was the government by the stranger, because he was free from the local antagonism and local interests of the community, and as Congressman Cox said, "Such a statement is the very irony of popular government." On the contrary, he called attention to the fact that even in old Rome every law had to either come from or be indorsed by the people themselves; "and that is why," he said, "it was so great a thing to be called a Roman in those days."

Now, as I stated, we are not like those Territories who were once practically wards of the Nation, because the proposition of actual Statehood is not within our reach, but that principle goes into the proposition in that I believe this committee would like to feel that there could be a representative expression, and some form of representation by and from the people of the District upon matters of vital interest to them. I believe that you gentlemen want to do for this District the things that would satisfy the people here in the sense of giving them anything that they might ask for, but that would not allay the American agitation for some voice in the affairs that are so

near to their interests. I believe that you want to do that. If it is representation in the House and in the Senate, the matter will develop. But we are now up against the proposition that might go a long ways to helping the members of this committee and helping Congress to decide just to what extent the people of this District are able to take care of a proposition of vital interest to them. Those, Mr. Chairman, are briefly the reasons why I feel that this time is peculiarly opportune for the people of this District to be considered by your committee, and considered in such a way as to let them feel that there is a real desire on the part of Congress. Many of us now feel so, but you must confess—I certainly have to confess and I am sorry for it—that a great many do not feel so. I believe a majority of the people do appreciate your work—vicarious sufferers, in a large measure, as you are—on these District matters. But I believe you want to give the people of the District of Columbia everything that you conscientiously feel they are entitled to take care of in connection with the matters of interest to them.

I thank you, Mr. Chairman and members of the committee, for your attention.

Mr. COLUMBUS. Mr. Chairman, Miss Mary O'Toole is the next speaker for the chamber of commerce.

STATEMENT OF MISS MARY O'TOOLE.

Miss O'TOOLE. Mr. Chairman and members of the committee, not knowing you very well, I can not throw any flowers toward you, but at the same time I will spare you throwing any flowers at myself.

As you have heard, I represent the chamber of commerce, and I am very proud to do so. It was a very great thing for that body of men to ask a woman to come up here and represent them.

I wish to say at the outset that I am not against prohibition; I have a brief neither for nor against prohibition. I believe that prohibition would be beneficial to the masses, and thus tend to the good of the community, and if I had a vote I would vote in favor of prohibition rather than on the other side, although I am not a reformer by nature and never have been a propagandist for the prohibition cause. Nevertheless, I find here, in talking with a number of my friends who are prohibitionists, who have talked it, that they are not in favor of a prohibition measure forced upon them by Congress; that they want a referendum upon it. I have talked with several of them. Some of them have said that they did not want a referendum because it would not carry, and they would prefer prohibition.

Now, as to the inherent principles of the referendum, that I would like to speak about, gentlemen, to-day, and make a play for you gentlemen to do what you can to save the self-respect of the residents of the District of Columbia by not forcing upon them a measure about which they have had nothing to say. "Submit to the people" is an ancient expression of English democracy, iterated and reiterated, echoing down the centuries to us, until we have the two principles settled beyond dispute that the people are sovereign and that they act by majority vote. That is so well settled that I do not ask to argue about it at all. I am speaking for American citizens; and how would you gentlemen like to feel in your own State that you had not one word to say about the laws that governed you?

Mr. JOHNSON. Suppose we had gone to those States deliberately, of our own accord, and knowing that we had no voice, that the Constitution from the very beginning denied us that voice, then what would you have to say?

Miss O'TOOLE. I would say just the same thing, Mr. Chairman. It is an inherent principle, an inheritance to us from the English Constitution under which we live, a constitution worked out by the Anglo-Saxon people. I would still say that if the Constitution did not grant us the power to vote, to have a voice as to the laws under which we should live, then immediately the Constitution should be amended.

Mr. JOHNSON. Yes; but our forefathers, who threw off the British yoke of which you speak, adopted the present law. This was adopted by the act of July 16, 1790.

Miss O'TOOLE. Yes, Mr. Chairman; and they apparently overlooked the fact that we would ever have residents in the District of Columbia.

Mr. JOHNSON. It is your argument, then, that the 100 square miles in the District of Columbia were never to be inhabited; that that was the intention of the framers of the Constitution in 1790?

Miss O'TOOLE. No, not at all, Mr. Chairman; I do not think it was their intention at all. They simply overlooked the fact that it would be inhabited.

Mr. JOHNSON. You think that they really overlooked the fact that it would be inhabited, when it was already inhabited?

Miss O'TOOLE. Of course, they did not overlook the fact that it would be inhabited, but they overlooked the necessity of the principle of the inhabitants having a voice in the legislature.

Mr. JOHNSON. But the debates show that at the time they did not overlook it. It was discussed.

Miss O'TOOLE. Truly; but they had no inhabitants then.

Mr. JOHNSON. Yes, they did; lots of them. The original city of Washington, of about 6,000 acres, was owned by 19 farmers, all of whom had tenants and slaves, and they actually occupied and tilled the soil here in the State of Maryland.

Miss O'TOOLE. Yes.

Mr. MAPES. There was a village of Georgetown in those days.

Mr. JOHNSON. Yes; there was the village of Georgetown, in addition to that; but I said the original city of Washington.

Miss O'TOOLE. I understand, Mr. Chairman, that they had inhabitants, and that for a year or two they did vote.

Mr. JOHNSON. In the city of Washington they did not. In the city of Georgetown they voted, and in the county outside of the two cities they voted.

Miss O'TOOLE. They did not have enough inhabitants to have representation in the congressional body.

Mr. JOHNSON. They did not have representatives in Congress; no.

Miss O'TOOLE. Because they did not have enough inhabitants.

Mr. JOHNSON. No; that was not the reason.

Miss O'TOOLE. That was a part of it.

Mr. JOHNSON. The theory was that the United States was to control the District for the purpose of preventing a recurrence of the happenings on the occasion of the mob that they had at Philadelphia.

Miss O'TOOLE. Yes; I understand that, and I agree with Mr. Henry E. Davis, who spoke before you yesterday, that that cession simply gave the United States exclusive power over the District of Columbia, in contradiction to any power of any State over it. Now, my point is that the residents of the District of Columbia are citizens of the United States. If we had representatives in Congress to represent them—two Senators and one Representative—why would not the United States still control the District of Columbia? They would simply have representation there as the States do. Congress would still be controlling the destinies of the District of Columbia and we would have representatives there. A principle of the American Constitution is that we rule by representative government. If we had our own representatives up here in Congress, it would be quite a different thing if they voted a prohibition measure; and I instance before you the prohibition measure, because it is the measure that is up now. Any other measure I would want a referendum on—on anything.

Mr. JOHNSON. I think you are better represented in Congress now than you would be if you had your own representatives, although I am in favor of the proposition.

Miss O'TOOLE. I do not believe so.

Mr. JOHNSON. But here you have the daily press constantly playing upon Congress, and it exercises a larger influence than a Member of Congress would have if you had one, and at the same time they close all avenues of information to the people of the District of Columbia.

Miss O'TOOLE. Mr. Chairman, I do not think so.

Mr. JOHNSON. The people of the District of Columbia have no idea what is going on in Congress concerning the District.

Miss O'TOOLE. And why?

Mr. JOHNSON. Because the newspapers conceal it from them, deliberately.

Miss O'TOOLE. Not at all. That may be true about the newspapers, but do you not think the people of the District of Columbia would take a great deal more interest in what was doing in Congress if we had representation there? Do you not think that through our representatives we would take part in it? That is what I am pleading for, our self-respect. Here we are legislated for without one word to say about it. We have not representatives up there; we have not had a chance to send a representative up. We have no self-respect at all. I talk with anybody here and I find that is so. I talked with a man a few days ago about the referendum, and I asked him if he was in favor of it. He said, "I don't care. I can vote in North Carolina. I am interested in politics and I can vote there." He has always lived here, and yet has kept a residence there for the purpose of voting. He was born in this city and yet all of his interest is in North Carolina. If he had a representative here and interest here, he would give his best attention to what was going on here.

Mr. JOHNSON. You would not want the Government clerk whose residence is in North Carolina to vote for a Member of Congress in the District of Columbia, would you?

Miss O'TOOLE. I certainly would.

Mr. JOHNSON. At the same time that he voted for a Member of Congress in North Carolina?

Miss O'TOOLE. No; I would not want that.

Mr. JOHNSON. Then you would deprive him of his legal residence in North Carolina in order to have him establish a legal residence in the District of Columbia?

Miss O'TOOLE. I believe if he had a vote in the District of Columbia he would cease to think so much about North Carolina.

Mr. JOHNSON. Then what would become of the civil-service law giving to each State a certain proportion of the appointments. Would they not have to lose their appointments, all these people, if they were not entitled to a legal residence except in the District of Columbia?

Miss O'TOOLE. No, Mr. Chairman; as I understand it, once you get your appointment the apportionment is not affected.

Mr. JOHNSON. Then you are speaking only of the present holders of Government positions in the District of Columbia?

Miss O'TOOLE. Of course, those who do not hold Government positions in the District of Columbia still belong to their States, and would be apportioned from their States, and come here, and then they could choose after they got here whether they would retain their residence.

Mr. JOHNSON. In other words, you would not permit them to hold a Government office in the District unless they abandoned their residence in the State?

Miss O'TOOLE. No, I would not say that.

Mr. JOHNSON. I think you are arguing that.

Miss O'TOOLE. There are Government clerks in Washington who have lived here anywhere from 10 to 50 years.

Mr. JOHNSON. Yes, and have gotten to be no account, most of them.

Miss O'TOOLE. Surely. That is one of the best arguments why they should have a vote, and so take an interest in the political situation, and have an interest in what Congress is doing.

Mr. JOHNSON. Why do you think that?

Miss O'TOOLE. I do not know; there is just a self-respect about having a voice in the Government and having a voice in matters; you take more of an interest in it. It is bound to be so.

Mr. JOHNSON. You just said you had the vote here once in these cities, and you did, and you also had it in the entire District of Columbia under what is known as the Shepherd government. Now, one of your most prominent dailies admits that they voluntarily—or at least they were perfectly willing to surrender the ballot at that time, the exercise of the right of franchise, for and in consideration of pecuniary benefits, saying in so many words that they would rather be political slaves than bankrupt citizens.

Miss O'TOOLE. I repudiate their point of view.

Mr. JOHNSON. That is in an editorial written by Mr. Theodore W. Noyes of the Star.

Miss O'TOOLE. No; I will defend that. Mr. Noyes has always been an advocate of the referendum, for suffrage in the District.

Mr. JOHNSON. When did he come to be an advocate?

Miss O'TOOLE. He has been. The first article that appeared in the Star under his own signature was in 1888.

Mr. JOHNSON. That is just the time when he used the language that I spoke of. I have it in the room here and can give you his exact language.

Miss O'TOOLE. I have seen a statement wherein he advocated suffrage in the District in 1888, and he has consistently advocated it ever since.

Mr. MAPES. May I ask you a question?

Miss O'TOOLE. Yes, sir. I do not know your name—Mr. Mapes. I should know it by this time. I have heard about you.

Mr. MAPES. You say you are in favor of prohibition?

Miss O'TOOLE. I say I would vote for it if I had a vote.

Mr. MAPES. The vote, so far as Congress is concerned, on prohibition does not differ in any respect from other legislation affecting the District. Does it not occur to you that in appearing here in favor of the referendum on the prohibition measure, you are really opposing prohibition?

Miss O'TOOLE. No, Mr. Mapes; it does not strike me that way at all. Prohibition is an interference with personal liberty.

Mr. MAPES. You never have been here before the committee arguing for the referendum on any other legislation?

Miss O'TOOLE. Never, Mr. Mapes; never. But prohibition is an interference with personal liberty, in the first place. It is an interference with one's personal liberty to eat, drink, and be merry, if you please. It is an interference, to a certain extent, with property. Now, what happens? You have a great popular sentiment aroused at once that the people of this District must have a voice in saying whether that law shall be imposed upon us or not. Now, having the popular sentiment aroused, all these various bodies that heretofore had not taken any very great action immediately began to say that we ought to have suffrage for the District. Their personal and property interests were concerned.

Mr. MAPES. You represent the board of trade?

Miss O'TOOLE. The chamber of commerce.

Mr. MAPES. The chamber of commerce; yes.

Miss O'TOOLE. Yes; the chamber of commerce.

Mr. MAPES. When were you appointed?

Miss O'TOOLE. About three weeks ago. The new officers were elected in January, at the January meeting, and when they made up their committees, immediately thereafter, as soon as the board could meet, they made up the committees and I received a notice that I was a member of the committee on municipal legislation, and a meeting was called and I received notice and I appeared at that meeting, and then I was asked by the chairman of that committee to come up here and appear before you.

Mr. MAPES. How large an attendance was there?

Miss O'TOOLE. At this committee meeting?

Mr. MAPES. Yes; you say there was a meeting called of the committee.

Miss O'TOOLE. We had about 14 members there, possibly; possibly more.

Mr. MAPES. And those 14 men designated you to come up here and represent them?

Miss O'TOOLE. Yes.

Mr. MAPES. There was no popular vote of the chamber of commerce?

Miss O'TOOLE. No.

Mr. CAPERS. There was on the resolution?

Miss O'TOOLE. The chamber of commerce had already gone on record for the referendum, and they had advocated it.

Mr. MAPES. What was the vote on that?

Miss O'TOOLE. I do not know. I have not thought to inquire. All I know is that they have gone on record in favor of the referendum; it does not make any difference whether or not it was a unanimous vote.

Mr. CAPERS. I was present the night the resolution was offered, and if my recollection serves me right it was a unanimous vote of the chamber.

Mr. MAPES. It was not a poll of the entire vote of the chamber by mail?

Mr. CAPERS. No; it was a viva voce vote, and I think it was unanimous. It was a very full meeting; just such a meeting as we had last night.

Miss O'TOOLE. Of course, if you come right down to it, the people of the District are not-unanimous for suffrage for the District.

Mr. MAPES. In answer to some questions Mr. Johnson asked you, you spoke about people who should vote here losing their right to vote in the States. You would differ, then, from Mr. Davis in allowing everybody to vote here and still retain their right to vote in the States?

Miss O'TOOLE. Mr. Johnson asked me about suffrage generally.

Mr. MAPES. Yes.

Miss O'TOOLE. Mr. Davis was speaking of this referendum only.

Now I believe that the Congress could give the right to the residents of the District to vote on this particular referendum without their losing the right to vote upon other matters in their various States. If we had suffrage generally here, if we had representatives in Congress, I do not believe it would be a constitutional measure to grant people the right to vote on these measures and at the same time to vote out in the States.

Mr. MAPES. Would you argue in favor of submitting this proposition alone to the vote of the people of the District?

Miss O'TOOLE. Just this measure?

Mr. MAPES. Yes.

Miss O'TOOLE. Oh, no.

Mr. MAPES. Yes.

Miss O'TOOLE. No, Mr. Mapes; I would not. I stand for suffrage for the District. If action was going to be taken individually on this measure without reference to any other, I believe it will be right to have a referendum.

Mr. MAPES. What do you say?

Miss O'TOOLE. I believe it will be.

Mr. MAPES. How so?

Miss O'TOOLE. I would say still we want to vote upon this particular measure. This is of popular interest here. It is a measure imposing prohibition on personal liberty, I say, and also impairs to some extent property rights; how much I do not know. I am not

political economist enough to know to follow those things clear out, but of course I do know that it will affect property.

Mr. MAPES. If it is a good thing, why not have Congress pass it?

Miss O'TOOLE. If it is a good thing, why not submit it to the people? Here we have representatives of the various churches, and I hear what they say in regard to it; we have representatives of the labor unions saying that the unions want it. Why not submit it to the people?

Mr. BURKE. Why are you fellows afraid to submit it?

Miss O'TOOLE. The people here are American citizens. What higher praise could you have than to say that we are American citizens. That is what differentiates the American people from the European peoples. It is the common manhood; it is the look of self-reliance and defiance.

Mr. MAPES. I was anxious to get your point of view.

Miss O'TOOLE. Yes. Have you gotten it, Mr. Mapes?

Mr. JOHNSON. You stated you were in favor of prohibition?

Miss O'TOOLE. No; I desire to correct that. I said that I would vote for it.

Mr. JOHNSON. You would not vote for anything you were not in favor of, would you?

Miss O'TOOLE. Well, yes; I would vote for prohibition. I would not have the conscience to vote against it to begin with.

Mr. JOHNSON. Why? You would treat it as a matter of conscience, would you?

Miss O'TOOLE. Exactly.

Mr. JOHNSON. For that reason you would vote for prohibition?

Miss O'TOOLE. I would vote for prohibition because I believe it would benefit the masses. I think that is demonstrated.

Mr. JOHNSON. You would be guided by conscience in the matter. Then you would treat it from the point of view of morality—the saloon?

Miss O'TOOLE. Yes; if you put it that way. I know that it has been demonstrated that it is for the benefit of the masses.

Mr. JOHNSON. Then, if you would vote for doing away with the saloon from the standpoint of morality, what would be the argument, the theory, in your mind that would lead you to vote for it?

Miss O'TOOLE. Because it would be beneficial to the masses. It has been so demonstrated.

Mr. JOHNSON. In what way?

Miss O'TOOLE. In every way. They spend less money on liquor, and consequently their families are better off.

Mr. JOHNSON. Would you not, in viewing it strictly as a moral question, take into consideration that the saloon might be an occasion of sin?

Miss O'TOOLE. No; I do not go that far. I have no brief at all for telling people what they should do and should not do.

Mr. JOHNSON. You have not?

Miss O'TOOLE. No, sir.

Mr. JOHNSON. Is not that the duty of everybody?

Miss O'TOOLE. No. I am not a reformer by nature at all.

Mr. JOHNSON. If you were a member of a lawmaking body, you would not vote for any law to make any immoral act an offense?

Miss O'TOOLE. Oh, that is quite another thing, of course, if it affects the community—if it is something that is going to affect us all.

Mr. JOHNSON. You have just stated that the saloon did affect the community.

Miss O'TOOLE. I suppose it does, but really I have no brief—

Mr. JOHNSON. Is not that a matter of conviction with you, that it does?

Miss O'TOOLE. It is more a matter that has been demonstrated, where they have prohibition that the masses are better off.

Mr. JOHNSON. Without the saloon?

Miss O'TOOLE. Without the saloon.

Mr. JOHNSON. Why are they better off?

Miss O'TOOLE. Because they have less temptation to spend their money for liquor.

Mr. JOHNSON. So that there is nothing in it from your viewpoint except the pecuniary consideration?

Miss O'TOOLE. Yes; there is more than that.

Mr. JOHNSON. That is, the waste of the money? It is all right for a man or a woman either to go and get drunk?

Miss O'TOOLE. No; I think far from it.

Mr. JOHNSON. I know you did not mean to say that, but I am following out your line of argument now.

Miss O'TOOLE. I have never said—

Mr. JOHNSON. You regard it as the occasion of sin?

Miss O'TOOLE. That goes too much into the theological side for me.

Mr. JOHNSON. No; but if you view it from a moral standpoint you can not get away from the theological side of it.

Miss O'TOOLE. I view it more from the economic standpoint of it.

Mr. JOHNSON. And not so much from the moral standpoint?

Miss O'TOOLE. Not so much from the moral standpoint.

Mr. JOHNSON. No.

Miss O'TOOLE. I believe that it is for the benefit of the masses to have prohibition. Those people I speak of are illy nourished, and they come out from their work—

Mr. JOHNSON. You think that members of labor organizations to which you have just referred are poorly nourished?

Miss O'TOOLE. I do not know whether they are or not. I am speaking now of the masses. I do not know about the members of the labor organizations. I believe many may be.

Mr. JOHNSON. You are assuming them to be very poor—those are who are ill nourished?

Miss O'TOOLE. No; they might not be so very poor, either. They come out from a long day's work and they feel badly; they are, let us say, hungry. They do not know what ails them, but they do not feel well, and they step into a saloon and get a drink, whereas if we had prohibition and they could not get it, they would probably go home and eat something that would make them feel better and would not hurt them, and it would not cost them so much.

Mr. JOHNSON. Where would they go?

Miss O'TOOLE. They would go home. But, as it is, they step into the saloons and get a drink, and they get a quick return from the

drink, and meet a friend or so in there and talk, and perhaps take another drink.

Mr. JOHNSON. Then, it is your point of view the open saloon stands there as a temptation?

Miss O'TOOLE. Yes; I believe it does.

Mr. JOHNSON. And as a member of a law making body you would not attempt to remove that temptation, the saloon.

Miss O'TOOLE. I would submit it to the people of the community.

Mr. JOHNSON. Now, when it comes to closing the places in the red-light district, would you submit that to the people?

Miss O'TOOLE. I do not know. I have never thought about that, Mr. Chairman. Yes; I believe I would.

Mr. JOHNSON. Is not that a similar proposition?

Miss O'TOOLE. No; I do not think it is.

Mr. JOHNSON. Is not that the result of your statement?

Miss O'TOOLE. No; I do not think they are similar propositions. We have the saloon everywhere. At every corner you pass there is a saloon.

Mr. JOHNSON. Then, according to your line of argument that you have just been pursuing, admitting that they are temptations, that they are the occasions of ill doing—

Miss O'TOOLE. You said that, Mr. Chairman. I did not say that.

Mr. JOHNSON. You agreed with it.

Miss O'TOOLE. No; I take it from the economic standpoint.

Mr. JOHNSON. Take it from the economic standpoint.

Miss O'TOOLE. They are hungry, or they are badly nourished, or whatever it may be, and they go in and take a drink. Would you look upon that as a sin then at all.

Mr. JOHNSON. To get drunk?

Miss O'TOOLE. To take a drink or two.

Mr. JOHNSON. Nobody is going to agree that it is sinful or harmful to take a drink.

Miss O'TOOLE. I am not going to agree?

Mr. JOHNSON. I say nobody is going to agree that it is harmful to take a drink. The wrong is done only in excessive drinking.

Miss O'TOOLE. "Excessive" is a term that varies according to the person. Many a man gets drunk on one glass of liquor.

Mr. JOHNSON. Many a man does?

Miss O'TOOLE. So I have been told; and my own race particularly. I ought to know something about it, because my own race do not have to take very much to be drunk; so that I think I do know something about that. Others can carry a good many glasses of liquor, or whatever it may be they drink, and you would not know they had had anything.

Mr. CARY. Miss O'Toole, I just want to ask the genial chairman a question in regard to the red-light proposition. Do you think that closing up the red-light district in Washington has eliminated the disease in the city of Washington?

Mr. JOHNSON. I think it has; nearly so.

Mr. CARY. I think it has scattered it all over.

Mr. JOHNSON. The gentleman may have more information than I have. [Laughter.]

Mr. CARY. I think the police department knows that. And there would be the same condition in regard to this if you had prohibition.

You would have a lot of walking distilleries and boot-leggers, just the same as you have in this other case.

Mr. JOHNSON. Well, if I am guessing correctly, Miss O'Toole has had some teaching and some training along the same lines that I had relative to the occasion of sin.

Miss O'TOOLE. Possibly, Mr. Johnson; and a lot of the training that I have had has eliminated the apprehension of sin, because I do not think so many things are sins as were talked about as sins a few generations ago. We have all grown better.

Mr. JOHNSON. Then you are prepared to accept the teaching that man or woman either is just as likely to go wrong where there is almost no opportunity for it as he or she would be where the opportunity is open to them?

Miss O'TOOLE. I do not know.

Mr. JOHNSON. Do you think that man, or woman either, is as liable to drink too much liquor where the doors are closed against it as he or she would be where they had to go into an alley to find it?

Miss O'TOOLE. I happen to know of a case in Illinois of a woman who never had had a drink——

Mr. JOHNSON. It is not the one case that always makes the rule.

Miss O'TOOLE. It is the one case that illustrates the rule. This case, I happen to know of, is that of a woman who had never bought a bottle of whisky in her life, but she says she is possessed, when she sees an advertisement of whisky and how you can get whisky, to send and buy a bottle.

Mr. JOHNSON. She is an abnormal woman, is she not?

Miss O'TOOLE. I do not know whether she is or not. I would not have said she was. It is just this human quality we all have, to be defiant.

Mr. JOHNSON. That is not the normal man or woman.

Miss O'TOOLE. Yes; I think it is the normal man or woman. If somebody tells me that I must do something, I immediately do not want to do it.

Mr. JOHNSON. You think it is normal, in accordance with the disposition of a normal man or woman, to defy all law?

Miss O'TOOLE. Not to defy all law, but if somebody tells you that you must do something, immediately you do not want to do that particular thing.

Mr. JOHNSON. Is anybody telling that woman that she shall not buy a bottle of whisky?

Miss O'TOOLE. No; but she sees these advertisements, and——

Mr. JOHNSON. There is nothing to keep her from getting it that way if she wants it?

Miss O'TOOLE. No; the law permits liquor to come in there. She is not violating the law. She never thought about this before.

Mr. JOHNSON. She is just of a rebellious spirit?

Miss O'TOOLE. Yes, we all are. That is why we rebel against having the prohibition measure imposed upon the people of the District of Columbia without them having a voice in it. We are rebellious about it. Many of them would greatly prefer to have a prohibition measure imposed upon the District rather than not to have a referendum.

Mr. HILLIARD. Then you think that the means rather than the end is the important thing?

Miss O'TOOLE. No, I think the end. In the question of the referendum I think a far higher principle than any prohibition measure that can be imposed is invoked.

Mr. HILLIARD. You would rather that the country should never go dry than that there should be no vote on the subject?

Miss O'TOOLE. That there should be not vote on the subject.

Mr. HILLIARD. You think prohibition is a good thing?

Miss O'TOOLE. Yes, but the principle of the referendum—the voice of the people—is something higher. Men have died for it. I have never heard of anybody having died that prohibition be imposed [laughter]; but men have given up their lives and their all for the principle which is represented by suffrage, by the vote of the people.

Mr. HILLIARD. Suffrage is, in the end, for the purpose of enabling the people—

Miss O'TOOLE. To speak.

Mr. HILLIARD (continuing). To better the Government?

Miss O'TOOLE. I hope so.

Mr. HILLIARD. The referendum, then, is not the end?

Miss O'TOOLE. No; suffrage for the District is.

Mr. HILLIARD. All right. Is that the ultimate end?

Miss O'TOOLE. That is the ultimate end of this agitation now. The chamber of commerce is on record for it. We want suffrage for the District, and this is a wedge.

Mr. HILLIARD. The ultimate end is protection? We are all working for prohibition.

Miss O'TOOLE. Yes; we have grown better, we know that; and your laws and your communities are no better than your individuals.

Mr. HILLIARD. You believe prohibition would work toward that purpose?

Miss O'TOOLE. I do; yes. I do believe it would. I do believe it has. It has been demonstrated that it has done so where it has been in effect.

Mr. JOHNSON. Getting back to the subject that we were discussing just a few moments ago; I belong to that much-abused religious faith, the Catholic Church.

Miss O'TOOLE. Yes, Mr. Chairman.

Mr. JOHNSON. I can speak not only from teaching, but from actual practice. When I go to confession and confess the same offense—confess that I have committed the same offense many times, then the priest immediately begins to ask me about the occasion.

Miss O'TOOLE. The dangerous occasion; yes, I remember well the term.

Mr. JOHNSON. And if I were to be continually confessing the offense of getting drunk, he would pry very diligently into the occasion when I would get drunk; and if I were to tell him that it was because I loafed around the saloon constantly, he would tell me to keep away from the saloon.

Miss O'TOOLE. Yes.

Mr. JOHNSON. Then if he found by my continued confessions of this particular offense that I had so lost my will power that I could not go by a saloon without stopping to take a drink, or at least that it was such a great temptation to me, he would tell me not to go that street.

Miss O'TOOLE. Yes.

Mr. JOHNSON. And if I went that street, and confessed that, after that I would be regarded as having made a bad confession.

Miss O'TOOLE. Yes; and be given a larger penance.

Mr. JOHNSON. Yes—perhaps no penance at all.

Miss O'TOOLE. Yes; perhaps not.

Mr. JOHNSON. And I would be regarded thereby as not having been truly penitent.

Miss O'TOOLE. Yes; quite true.

Mr. JOHNSON. There have been a great number of men in the condition which I have just imagined for myself. Do you think the result of that religious or theological teaching would be to close all those opportunities for getting drunk?

Miss O'TOOLE. It ought to, Mr. Chairman, but I do not know whether it has made any great move toward it, in that direction.

Mr. JOHNSON. I think they are expecting individuals to look after themselves. Speaking from a moral standpoint, you and I agree upon that proposition.

Miss O'TOOLE. We agree upon that opinion, surely, that that is the teaching of the Catholic Church; that it is the way they work; yes. It has been in the past. I believe more in the individual, myself. I believe that the individual could be braced up so that he could pass the saloon, if he were better nourished and better taken care of generally. Good wages has helped to keep men out of the saloon, and has made them better generally.

Mr. JOHNSON. So, then, getting back to the point, you would submit that moral question to the people?

Miss O'TOOLE. To the people; yes.

Mr. JOHNSON. Moral and immoral alike?

Miss O'TOOLE. To the voters, the designated voters, whatever they were; and for one class or race the same qualifications as the other.

Mr. JOHNSON. You would not agree that this is a moral question, and you also said that it did not apply; but if it is a moral question—

Miss O'TOOLE. Pardon me, but I am not here with a brief against a prohibition measure. I am simply here to ask this committee to submit the question to the people.

Mr. JOHNSON. Yes; and I have been questioning you along this line. If it is a moral question, if the result of the situation is one that involves a law of God, then does it become a place for individual action of the legislator or should he refer it to somebody else?

Miss O'TOOLE. He should refer it to the people. The people are just as much able to say what is God's law as the legislators are. The people, every time.

Mr. JOHNSON. Then, carrying your argument still further, a law against larceny should be submitted to the people? I am carrying your argument along, you know, now.

Miss O'TOOLE. A law against larceny? Let me see. Yes, if it was a new thing here; if it had not been promulgated here before; certainly.

Mr. JOHNSON. Very well; then I understand you.

Miss O'TOOLE. Surely. The people, anyway, have made the laws respecting larceny or burglary. That is not something which interferes with your personal liberty so much as prohibition does.

Mr. JOHNSON. I have never yet been able to understand what was meant by "personal liberty."

Miss O'TOOLE. Far be it from me to try to enlighten you.

Mr. JOHNSON. I thought you were here for that purpose.

Miss O'TOOLE. I have a very well-conceived idea of it myself.

Mr. JOHNSON. I have never been able to get one that some newspaper article or some public speaker would not come along a few days afterwards and either destroy it or mix me on it.

Mr. BURKE. What do you think about this idea of personal liberty? Take the case you have just been illustrating here, that you would advocate prohibition to keep people who are addicted to drinking out of temptation. To keep them out of temptation you would prevent others from enjoying the right of going into a saloon and taking a drink of this or that, and going about their business, taking care of themselves, taking care of their families, and enjoying themselves in that way. Why should the pleasures and the innocent customs of one set of people be abolished simply to protect people that can not take care of themselves?

Mr. JOHNSON. Well, I am reserving an opinion as far as I can, and reserving an expression of opinion; but the answer of the advocates of this bill to your proposition would be this, that they take away, by removing the saloon, the temptation from the man who will, whenever he can, if he can get it, drink too much, and at the same time leaves it possible for those to whom the saloon is not a particular temptation, and who desire a drink, to have it at home or elsewhere.

Mr. CARY. Why trim the tree off at the top? Why not dig it up by the roots, if you want to kill it?

Mr. JOHNSON. As I say, I am expressing no opinion of my own, but I apprehend if the proponents of this measure were given their full pleasure about it, they would adopt your suggestion entirely.

Mr. CARY. Some years ago I happened to be sheriff of Milwaukee, and it became my duty to arrest gamblers twice during my administration, and I got them all. Not one got away.

Mr. JOHNSON. Was there a law there against gambling?

Mr. CARY. A State law.

Mr. JOHNSON. Adopted by referendum or by the legislature?

Mr. CARY. I presume it was put in the constitution of the State when it was first gotten up; but, at any rate, certain reverend gentlemen there thought I did a very good job, but I told them that I did not think I did any good at all. They wanted to know why. I said, "Because you can not kill a tree by trimming it off at the top."

Mr. JOHNSON. Yes, you can, too.

Mr. CARY. I said, "If you had a tree at your church door, and you wanted to get rid of that tree, because it interfered with your people going in and out, what would you do about it?" They said, "We would chop it down." I said, "If you wanted to make sure of it, you would dig it up by the roots?" They said, "Yes." I said, "You would not trim it off at the top to kill it?" They said "No, I do not think so."

Mr. JOHNSON. You can kill it by trimming it off at the top, or by stripping the leaves off it instead of its branches.

Mr. CARY. You might trim it off at the top, and it would be 10,000 years, maybe, before you would get to the point.

Mr. JOHNSON. I agree with you, if you take one step toward ultimately digging up a tree——

Mr. CARY. He asked me the question what I considered the root of the gambling evil. I said, "Wall Street. Start at Wall Street and go down and you will get the little fellows, but if you start with the little fellows you will never kill the tree."

Mr. JOHNSON. The little fellow in Wall Street is the lamb.

Mr. CARY. Why not prevent the manufacture of the stuff, if you want to get at it right, and then come down to the little fellow.

Mr. JOHNSON. This bill provides for the stopping of the manufacture in the District of Columbia for anything except scientific and mechanical purposes.

Mr. CARY. I do not think there are any distilleries in the District of Columbia.

Mr. JOHNSON. Yes, there are.

Mr. CARY. How many?

Mr. JOHNSON. At least one, and I think two breweries; and then a yeast plant from which the by-product is alcohol, or an alcoholic plant the by-product of which is yeast, I am not certain which.

Mr. CARY. Pardon me for taking up so much of your time Miss O'Toole.

Mr. DARROW. Will that do away with yeast, then?

Mr. JOHNSON. I am not prepared to say.

Miss O'TOOLE. If there is all this property, those breweries and distilleries, in this District, will they not be impaired by the prohibition law? If prohibition goes into effect that property will be impaired, will it not?

Mr. JOHNSON. Yes.

Miss O'TOOLE. Now, in the States where the prohibition measure has gone into effect, I suppose similar property has been impaired, has it not? Well, they and their neighbors and stockholders have all had a voice in saying that that property should be impaired. Well and good. If the property in this District is impaired, the people owning it, the stockholders in the concerns, and the neighbors, will not have one word to say about it. It will have been done, that property will have thus been impaired, by the act of the legislators. Now, I doubt very much if that would be held constitutional.

Mr. JOHNSON. That could be answered by some invidious comparisons, which I will not make, because I am here more to get your views than I am to express my own.

Miss O'TOOLE. Yes. Well, I will suggest that to the members of this committee.

Mr. BURKE. Miss O'Toole, do you believe if this prohibition question is submitted upon referendum to the people and is adopted by a majority of them, these breweries and distilleries in the District should receive compensation for their property?

Miss O'TOOLE. Yes; I do, because it is going to benefit the whole community, and the whole community then should help to pay for the property which is impaired. I do believe that. I doubt very much if it can be done. That is the English idea. Over in England they advocate that, and I believe they compensate the property owners.

As part of my remarks I wanted to give a little historical résumé, perhaps, of what this referendum was, and I will go back to that by starting with the Magna Charta in 1215. We find there the rights contended for were based on precedent. We go on down then until

we find in France in 1789 that they contended for those rights, and that they proclaimed them as inherent possessions of man.

In our own Declaration of Independence the rights, of which the right of liberty is the most potent, are based upon a combination of precedent and inherent possession.

Now, what are those rights for which men shed their blood? They are a right to share in the government, immunity from the exercise of arbitrary power, equality of taxation, freedom of religion. These are the rights for which the masses have put their backs against the wall and defied the ruling classes.

We have this anomalous situation in the District; we have American citizens—the country is established upon those principles—and we have here a disfranchised body, right at the heart of the Nation, in the Capital. We find in studying the history of government that there are two principles governing human society. One is obedience and the other is independence. The history of Europe shows that the tendency is always toward obedience. On the other hand, if we are too independent, we soon have anarchy. The happy mean, then, is popular government. That has been worked out by the Anglo-Saxon people. If you give a man the right to say what laws he is to be governed by, he is immediately interested in maintaining and upholding those laws. If you have a dissatisfied minority you have a dangerous body in your community. We have in the small countries of Europe seen rebellions, and people going back of the government under which they lived. A notable instance of that is in 1779. The same principles we are contending for in the District of Columbia they were contending for. Now, although we have gone on, and the masses have gained right after right, in all these ages no place has anarchy had a foothold. Anarchy has had no place in the scheme of things. As prosperity has increased in the community, men have been more and more interested in seeing that law and order were established and maintained. Therefore we have had no place for anarchy.

"Trust the people and they will quickly justify your trust" has been the watchword of those who carried the torch of constitutional reformers all the way down the line. The very same principle as we are contending for here. Mr. Chairman, if this prohibition measure is a moral issue, as you contend, or as you suggest, perhaps—

Mr. JOHNSON. As I was asking you, to put it a little more accurately.

Miss O'TOOLE. Yes; if it is a moral issue, and if it is a sinful thing to take a drink and get drunk—

Mr. JOHNSON. No, I do not believe that it is sinful for anybody to take a drink.

Miss O'TOOLE. No; because as you know, in the New Testament we have the founder of Christianity turning water into wine.

Mr. JOHNSON. I think it is just as harmless to take a glass of whisky as it is to take a glass of water.

Mr. MAPES. You think it is harmful to take a glass of water?

Mr. JOHNSON. No; I think one is as harmless as the other.

Miss O'TOOLE. It is the excessive use of it that is harmful; and as I said before, if the people were better nourished they would stop at one. It is not because they are so very fond of liquor and want to get drunk that they drink to excess.

Mr. JOHNSON. I believe that drunkenness prevails to a large extent among the very wealthy, who can buy any sort of liquor that they want.

Miss O'TOOLE. If that is true, I do not know it. I supposed that drunkenness was getting very slight among the better classes; but I have understood that the commercial interests and economical interests required that men in their employ should not drink at all. As I understand, the great corporations require that their engineers shall not drink.

Mr. FOCHT. How about those people who ride in private cars? You will find every one of those cars well stocked up with booze.

Miss O'TOOLE. I suppose they do take it, but what I believe is that very few people see them drunk.

Mr. FOCHT. Yes.

Miss O'TOOLE. They use it; perhaps they work very hard and they are carrying heavy burdens, those men.

Mr. JOHNSON. Excuse me just a minute. Mr. Capers, I neglected at the time that you were making your statement to ask you this, but I wonder if you have any theory in explanation of the increased tax payments on alcoholic beverages.

Mr. CAPERS. Do you mean in prohibition territory?

Mr. JOHNSON. No; I mean in the United States.

Mr. CAPERS. Do you get those figures from the increased aggregate of the amount collected by the present Commissioner of Internal Revenue?

Mr. JOHNSON. Yes. I am referring particularly to that.

Mr. CAPERS. Possibly you may overlook the fact that when I was commissioner you, as a former collector of internal revenue yourself, were so helpful to me when I was trying to learn the job, which I remember very well. When I was commissioner they did not have even a corporation tax until the last few months of my term, and we had no income tax.

Mr. JOHNSON. No; I am speaking of the amount of tax on alcoholic beverages.

Mr. CAPERS. I am not sure. The reason I mentioned that is because the reports of the Commissioner of Internal Revenue for the last three years have been misleading on the very subject you mention, and I have had that inquiry made of me before.

Mr. JOHNSON. I hope, Miss O Toole, that this is not objectionable to you, because I am really after information.

Miss O TOOLE. No, indeed.

Mr. CAPERS. I say I am inclined to think that the commissioner goes out, for instance, and instead of saying, as I said in my annual report, that I had collected \$294,000,000, when he comes out and says that he has collected nearly \$400,000,000, that that aggregate is apt to mislead a person into thinking that it refers to alcohol. That is the reason I made that statement. But I am not sure that, separated from the other means of income which now pass through the commissioner's office which did not pass through when I was there, that shows that there was an increase in the income upon malt and spirituous liquors alone.

Mr. BURKE. That is what it just does, according to the published report.

Mr. CAPERS. Well——

Mr. BURKE. Yes; it shows the increase in this year over last year, and it distinguishes it. It is not an aggregate sum of revenue received by that office, but it shows that upon liquors this year it is so much and last year it was so much.

Mr. CAPERS. That being true, I would say from my experience——

Mr. CARY. Will you pardon me for a minute? I have the figures here for 1915. In that year 140,655,103 gallons of distilled spirits and 59,800,000 barrels of beer was collected for in the internal revenue office.

The report of 1916 shows 253,000,000 gallons of distilled spirits, which is an increase of over 100,000,000 gallons, amounting to 80 per cent; and the report of 1916 shows only 58,000,000 barrels of beer as against 59,000,000 barrels of beer in 1915. There was over a million barrels less of beer and 112,000,000 gallons more of whisky collected for in the internal revenue office in 1916 than in 1915, showing that prohibition drives people to drink whisky, the greater evil of the two, instead of the lesser, beer. These are the figures.

Mr. JOHNSON. Eight or ten years ago I had occasion to get the figures from the Commissioner of Internal Revenue—perhaps from Mr. Capers—and the report was then that the per capita consumption of alcoholic beverages throughout the United States was between 12 and 13 million gallons; and a year and a half ago or two years ago—a year or two ago—Mr. Hobson made a statement on the floor of the House of Representatives that that per capita consumption had grown to more than 23,000,000 gallons. I telephoned down to the office of the commissioner and asked if that was correct, and they told me that it was, and I was wondering if you had any information upon that subject.

Mr. CAPERS. I can only account for it, Mr. Chairman, in this way. The \$1.10 a gallon that is exacted of distillers for a gallon of proof whisky is the fountain source of that income; and of course licenses and things of that kind that occur in connection with retail and wholesale disposition of whisky is more or less a similar matter, but it is the manufacture of whisky and the \$1.10 on each proof gallon of it that forms the basis of that aggregate; and therefore it certainly does show that they are making more of it. The sale of more of it by retail or by wholesale where the parties selling it were simply licensed in plain language to do—they call it stamp tax—would cut comparatively little figure. But it shows that they are making more of it upon which the Government gets more of that tax; and as to this disposition of it, it certainly must go into the enormous present prohibition territory in this country in very large amounts. Otherwise they would not dispose of what they make in the distilleries.

Mr. JOHNSON. Subsequent to the time that Mr. Hobson made that statement on the floor of the House I can see how the tax payment on whisky could be increased. During the last session of Congress it was pretty well heralded over the country that the tax on whisky was going to be increased from \$1.10 to \$1.25 a gallon. Out of apprehension that it might be done the distilleries all over my country tax-paid a lot of whisky in anticipation of that thing, and that whisky did not actually go into consumption, but it was put into the free warehouses, so that they could make that 15 cents a gallon in the event that the legislative act came about.

Mr. CAPERS. That is, they took it all out of bond when they heard this and paid the \$1.10 a gallon.

Mr. JOHNSON. They took more out of bond than the demand called for?

Mr. CAPERS. Yes.

Mr. JOHNSON. But by now that ought to begin to lessen the tax payments, ought it not?

Mr. CAPERS. It should. So that, as I just stated, I can see how if those tax payments had been made prior to Mr. Hobson's speech the quantity of tax-paid whisky could become greater. But as those tax payments have been made since Col. Hobson made that speech I am at considerable loss to know why the tax payments were large before—why they were constantly increasing before.

Either the explanation I made or the one you made is true, although the larger withdrawals from bond came after that threat.

Mr. JOHNSON. Yes.

Mr. CAPERS. I am inclined to think that there has been something in the air for so long a time that in the free places of storage, as contradistinguished from the bonded warehouses, there are countless thousands of gallons now which, however, the commissioner's books would show had been tax paid at \$1.10 a gallon, and that they were taken out of a given warehouse and put into the warehouse where they are, and I think that has been going on for many years.

Mr. JOHNSON. Is it the custom of the Commissioner of Internal Revenue—you having been such—to fix the quantity consumed by the quantity upon which the tax is paid?

Mr. CAPERS. That is regulated, Mr. Chairman, by the survey at the start, the "survey" being the technical term for the measurement of the capacity of a distillery.

Mr. JOHNSON. Yes; I am familiar with it.

Mr. CAPERS. Therefore if the measurement is made, the capacity of that distillery is known. He is obliged to make 80 per cent of the—

Mr. JOHNSON. Yes; but what I was particularly getting at is, How does the Commissioner of Internal Revenue determine the per capita of intoxicants that is used in the United States? Is it upon the tax payments, rather than from any knowledge whether the tax paid goods are in the free warehouses and not consumed?

Mr. CAPERS. Absolutely on the tax—the amount that has been tax paid; and dividing that by the number of people, that gives him the only kind of estimate he can make. Thousands of gallons are still in private warehouses all over the country, and therefore that per capita, in my judgment, is very largely in excess of what the real proposition would show.

Mr. CARY. Right there, please, before you sit down, will you allow me to ask you a question?

Mr. CAPERS. Yes.

Mr. CARY. During your administration as an internal-revenue officer, did you have estimates of the number of gallons moonshiners made in prohibition States?

Mr. CAPERS. No, sir; I did not. That is very hard to get.

Mr. CARY. Yes.

Mr. CAPERS. That is very hard to make a calculation on, because in what is called moonshine whisky, which is made in blockade dis-

tilleries in mountain sections and other more or less secluded places' as a rule when the revenue officers flush a crowd of violators of the law they destroy the whisky that is then in process of distillation right on the spot. They do not attempt to take it away. The revenue officials in charge of what is called that raid simply report that they have found such and such a distillery, and have destroyed about 60 to 500 gallons of beer in process of distillation, and it is a case which it is very hard to tell; but you could take all of those reports where the moonshine men had been caught and tell how much they had made. But I guess half of them are not caught, and the whisky that they make is consumed.

Mr. JOHNSON. How would you go about telling how much they had made? I can see that you can very easily arrive at the number of illicit distilleries that you have seized, and that you can also arrive at the capacity of a particular distillery, but you are without information as to how many runs it has made.

Mr. CAPERS. That is right; or how many they have got away with.

Mr. CARY. You have a way of estimating that, though.

Mr. CAPERS. The amount is considerable, and it is a fact that during my term as United States district attorney, when I got up into the upper part of my State where the great mountain ridges lie, between North Carolina and South Carolina, I found that it was no trouble to get convictions from those sections, even in the mountain sections of the State, where the public sentiment of the people was in favor of the abolition of all forms of the manufacture of alcohol; but in those communities where they felt that old, original feeling, that they had as much right to make alcohol out of a bushel of corn as they had to take it to the mill and have it made into meal and come back and make it into bread, where that feeling prevails you could not get juries selected from those sections to convict anybody. They would hang the jury every time, because public sentiment was not behind it; and that was the basic reason for my urging that in the District of Columbia there will be no excuse for violation of the law after the people of the District have expressed themselves, should that expression be in favor of prohibition; and in the enforcement of the law in all human limitations.

Mr. CARY. I will say, Mr. Chairman, that I have a list here since 1910, and there were 19,000 illicit distilleries, running from 1910 to 1916, and 3,376 were seized by the Government in 1916, and there were in that time four United States officers murdered, and there were employees wounded in the same skirmishes, 22; and persons arrested and convicted in that time, 4,663. The estimated number of gallons of moonshine whisky I will put into the record to-morrow.

Mr. JOHNSON. By whom will that estimate be made?

Mr. CARY. The United States officials; the Census Department.

Mr. JOHNSON. I was trying to get from Mr. Capers a moment ago the possibility, or rather the impossibility, of anybody knowing how many gallons of moonshine whisky is made.

Mr. CARY. On that basis prohibition does not prohibit. Regulation is all right, and can be strictly enforced; but prohibition does not prohibit, and makes drunkards instead of preventing them.

Mr. CAPERS. I have something in my mind which I forgot, because a question diverted me. As we all know, there is a great deal of alcohol used in connection not only with automobiles but with the

various things incident to the tremendous war that is going on in Europe.

Mr. JOHNSON. All of this is denatured alcohol or wood alcohol, is it not?

Mr. CAPERS. But the alcohol itself is the same alcohol. That is, there is no such thing on earth as a denatured-alcohol distillery. They make alcohol and it is then denatured.

Mr. JOHNSON. They make it and it is denatured afterwards.

Mr. CAPERS. Of course.

Mr. JOHNSON. But there is no tax paid on denatured alcohol?

Mr. CAPERS. No tax paid when it is withdrawn.

Mr. JOHNSON. Is there not a tax paid on denatured alcohol going into the manufacture of powder?

Mr. CAPERS. Yes.

Mr. JOHNSON. Would it show in the report of the Commissioner of Internal Revenue?

Mr. CAPERS. It would not show except as in its classified place.

Mr. JOHNSON. It would not show in the reports, I mean?

Mr. CAPERS. No, sir.

Mr. MAPES. Is the alcohol taxed before it is denatured?

Mr. CAPERS. No, sir.

Mr. JOHNSON. No denatured alcohol is taxed.

Mr. CAPERS. When they withdraw it they give a big bond in order to see that the alcohol product of that distillery is not to be sold as a beverage, and under the terms of the bond they make application to denature it by adding wood alcohol.

Mr. JOHNSON. The alcohol used in automobiles is denatured alcohol or wood alcohol?

Mr. CAPERS. Yes.

Mr. JOHNSON. Upon it there is no tax?

Mr. CAPERS. Wood alcohol. Denatured alcohol is usually made by adding wood alcohol to grain alcohol.

Mr. JOHNSON. I beg your pardon, Miss O'Toole, for having interrupted you so much. We will be glad to hear from you further.

Miss O'TOOLE. I will try and make it short. I want to say about the referendum that it is the offspring of the primitive mass meeting, and it is supplementary to the legislature, and not against the legislature. It simply aids you to get at the wish of the people. In sending a referendum to the people of the District of Columbia, our right is admitted, and the people have been trusted by the greatest thinkers and writers the world over from the time of tribal government. The Declaration of Independence was submitted to the people by referendum. It is nothing new we are asking. We are simply asking for an inherent right of American citizens, to have a voice in saying what the government under which they live and the laws under which they have to live shall be. It is simply to supplement the legislation of the legislators.

Mr. JOHNSON. Miss O'Toole, I am quite friendly to the referendum.

Miss O'TOOLE. I am glad to hear it.

Mr. JOHNSON. As a general proposition.

Miss O'TOOLE. As a general proposition.

Mr. JOHNSON. And I am in favor of it in States where there is established suffrage. Now, the question that arises is, what argu-

ments are there for and against the referendum in a locality from which the Constitution of the United States has taken the suffrage?

Miss O'TOOLE. Mr. Chairman, I differ with you that the Constitution of the United States has taken away the suffrage; and if it has, it is the duty of Congress to immediately amend the Constitution.

Mr. JOHNSON. You will not dispute that Congress has not taken the right of suffrage from the residents of the District of Columbia, to some extent, do you?

Miss O'TOOLE. Pardon me, I did not get that, quite. Congress has not——

Mr. JOHNSON. Let the stenographer read the question.

(The stenographer repeated the question.)

Miss O'TOOLE. I do not understand that question.

Mr. JOHNSON. Well, the Constitution of the United States has deprived the residents of the District of Columbia of the right to vote in presidential elections.

Miss O'TOOLE. Yes, Mr. Chairman, that is one construction of the Constitution.

Mr. JOHNSON. Therefore it deprives the residents of the District of Columbia of the right to vote.

Miss O'TOOLE. You said Congress had deprived them of the right to vote.

Mr. JOHNSON. Did I say Congress? Let the stenographer read my original question again.

(The stenographer read the question referred to, as follows:)

Mr. JOHNSON. You will not dispute that Congress has not taken the right of suffrage from the residents of the District of Columbia, to some extent, do you?

Mr. JOHNSON. I meant to say the Constitution, not Congress.

Miss O'TOOLE. That is what misled me. I do not believe that the Constitution did deprive the residents of the District of Columbia of the suffrage.

Mr. JOHNSON. To some extent?

Miss O'TOOLE. I dispute that. But if the Constitution is so drawn that a class of the American citizens left here in the capital of the nation is disfranchised, then it is the business of the Congress and the people of the District of Columbia never to stop one moment until they have achieved an amendment to the Constitution which would give them the right of suffrage.

Mr. JOHNSON. Only a few days ago I read a resolution introduced in the Senate by quite a distinguished western Senator, and I saw several newspaper editorial articles commenting on it and asking that the Constitution be amended so that the people in the District of Columbia might vote. Now, if I went no further than that, if I had no feeling of my own——

Miss O'TOOLE. Yes.

Mr. JOHNSON. I would take it for granted that in the mind of that distinguished Senator and in the mind of the distinguished editor who had written some articles——

Miss O'TOOLE. Mr. Noyes.

Mr. JOHNSON (continuing). Upon the subject, they at least are of opinion that there is a constitutional limitation of the right to vote in the District of Columbia.

Miss O'TOOLE. There is that feeling, but it is the same feeling that the woman suffragists have.

Mr. JOHNSON. You think that is only imaginary on the part of that distinguished Senator and this editor, and that that resolution is entirely useless?

Miss O'TOOLE. It is imaginary to this extent——

Mr. JOHNSON. And they have been saying that Congress can now pass a law without an amendment to the Constitution giving——

Miss O'TOOLE. Giving the referendum under the bill. Certainly they can; but it is imaginary on the part of Mr. Noyes and it is for the Senator, whoever he is; Mr. Chamberlain, is he not? He has already introduced the bill last year. They have been up against the proposition that it is unconstitutional. Now, the quickest way is to amend the Constitution so that it is unequivocal, so that the citizens of the District shall have the right to vote. It is imaginary to that extent. It is the very same question that the woman suffragists have to contend with, that it has been held to be unconstitutional, and therefore, although we believe that it is not unconstitutional to have women to vote, we have to have the Constitution amended before they can do it. I do not think the Constitution of the United States ever intended to disfranchise the people of this capital city.

Mr. JOHNSON. Then what is the theory as to why the whole United States accepted this construction immediately upon acquiring the District of Columbia?

Miss O'TOOLE. Because they were not at all interested; there was nobody to be interested to any extent.

Mr. JOHNSON. In those early days when the great, sovereign American people was liberated——

Miss O'TOOLE. Yes.

Mr. JOHNSON. That they were not self-assertive as to their right of suffrage?

Miss O'TOOLE. The States had the right of suffrage. They were not interested in the right of suffrage in the District of Columbia. They were only thinking of the mob or riot or whatever it was over in Philadelphia that menaced the Government of the United States, and they were only thinking of giving the Government of the United States a piece of territory over which it had full control, and they were not thinking about the inhabitants and whether they should have the franchise or not.

Mr. JOHNSON. These advocates contend that inasmuch as the subject in controversy is subject to police regulation——

Miss O'TOOLE. That is prohibition, you mean?

Mr. JOHNSON. Yes; that therefore Congress should deal with it directly instead of through the referendum. I am giving you their viewpoint, now, as I catch it.

Miss O'TOOLE. Yes. I repudiate that viewpoint. I say, submission to the people. If the people want prohibition, we will all bow to it, and we will accept the result of the ballot box; but I speak for myself and others when I say that I resent very much Congress passing a law limiting our liberties and impairing our property by passing a law about which the people have nothing to say, and it is a very simple matter to submit it to the people. To my mind it is a very simple matter. It is something which the Constitution of the United States stands for and upholds, and we all believe in it. What are you afraid of?

What are we to be afraid of in submitting it to the people of the District—a high class of people; nobody can say otherwise. I am for submitting it to every person over 21 entitled to vote, of every race and every color, and both sexes.

Mr. JOHNSON. Have you any information upon the subject as to whether or not, since prohibition was adopted in Virginia, the lower element of the negro population has increased here?

Miss O'TOOLE. I have only the present reports, and I have been told that there is a great deal of bootlegging going on.

Mr. JOHNSON. That need not necessarily be among those, except the purchases.

Miss O'TOOLE. Yes. I saw just yesterday in the police report that a lot of whisky had frozen; that a bootlegger had a lot of whisky; and it had frozen because it had been watered so freely, and those poor people are paying their money for water. [Laughter.]

Mr. CARY. Bootleggers do not sell whisky, as a rule. It is nothing but a concoction.

Mr. JOHNSON. They have whisky in Kentucky. They will not get that in the East. But my suggestion really is this. It has been urged by the advocates of this bill that crime would be lessened by the adoption of this bill.

Miss O'TOOLE. Yes.

Mr. JOHNSON. Now, it has been my observation in many of the Southern States that just as quickly as prohibition was passed in any city or community, the lower element of the negro race immediately moved on to the next place where it was sold.

Miss O'TOOLE. Yes; I have read reports of that.

Mr. JOHNSON. I was wondering whether, if we adopted prohibition for the District of Columbia, this same class would not move on to Baltimore.

Miss O'TOOLE. Well, perhaps it will.

Mr. JOHNSON. If they adopt it in Baltimore perhaps they will move on to Philadelphia.

Miss O'TOOLE. Yes; on to Philadelphia and then perhaps on to New York. [Laughter.]

Mr. BURKE. Is this bill being proposed here as an emigration scheme? [Laughter.]

Miss O'TOOLE. I want to say, before closing, and reiterate again, that I have a brief neither for nor against prohibition. I only want the principle of the referendum, submission to the people, established. That is what I am up here to argue for. If your questions, Mr. Chairman, have led me into any other bypaths, it was not of my volition. I do not want to speak either for or against the prohibition measure. There are plenty to advocate it, and some to oppose it, perhaps, but I am neither for nor against the prohibition measure.

Mr. LLOYD. You want the referendum to apply to everything else?

Miss O'TOOLE. To everything else? I represent a body which is on record as wanting suffrage for the District. Mr. Theodore Noyes, the editor of the Star, is one of the highly considered members. We feel it is our duty.

Mr. JOHNSON. Just there. A few moments ago I referred to an editorial written by Mr. Noyes. I have it somewhere here in the office, and I will ask permission of the committee that instead of

my interpretation of it I be permitted to insert it in its exact language for the purpose that he may not be done an injustice. Have I the permission of the committee for that?

Miss O'TOOLE. I would be very slow indeed to believe—in fact, certain of the negative, in the general result—that Mr. Noyes was opposed to suffrage.

Mr. JOHNSON. Hearing no objection, I take it that I have the permission of the committee to use his exact language in the hearing rather than the words I used giving the substance of what he said.

Mr. BURKE. On what point do you wish to quote him, Mr. Chairman?

Mr. JOHNSON. On the point that was brought out by the colloquy between Miss O'Toole and myself.

Mr. BURKE. That he favored suffrage?

Mr. JOHNSON. On the editor of the Star favoring the present financial conditions, or, in other words, the half and half, rather than to have the right of suffrage.

Miss O'TOOLE. Yes; that is it.

(NOTE BY MR. JOHNSON.—Availing myself of the privilege above given by the committee to quote the language of Mr. Theodore W. Noyes, editor of the Evening Star, relating to suffrage in the District of Columbia, I wish to say that I now have before me copies of his editorials, in one of which I find this language:)

If deprivation of suffrage is the only condition upon which citizens of the District are partially relieved from their heavy burdens, they evidently prefer to remain "political slaves" rather than become bankrupt freemen.

Referring to the same editorial, I find this language:

The people of Washington do not wish an unlimited elective franchise in municipal concerns or a repeal of the "exclusive legislation" clause, with a change of the financial relations between the city and the United States, and many of them, in view of the dangers to be faced in the discussion by Congress of any changes of any description in the present government, will continue to favor the first, or do-nothing, policy on the part of Congress, which was unquestionably wisest as long as the fixed population of the District, not in Government employ, was insufficient to entitle it to a Representative in Congress, and which is still wisest so far as the municipal government is concerned.

In the same editorial I also find this language:

About one-third of the inhabitants of Washington are colored, and this number includes thousands of the worst as well as the best specimens of the race. In addition to the permanent colored element an army of farmers of Maryland and Virginia, to be used as voting material by political "bosses," and to be supported as loafers, partly by the wages of politics, partly by charity, and partly by jail nourishment. The floating population of nontaxpayers will always be large at the capital, where office seekers most do congregate, but with the accession that elections bring the solid citizens would almost certainly be overwhelmed.

Mr. LLOYD. May I ask you this question, Miss O'Toole: We had, just before we began the discussion of this particular bill, another which provided that the Government could take over, own, and control the telephone system in the District of Columbia. Would you be in favor of submitting that proposition to the people?

Miss O'TOOLE. Yes; I would.

Mr. LLOYD. How does it happen that in so important a matter as that there was no suggestion made even that it should be submitted to the people?

Miss O'TOOLE. Because personally and popularly we do not care much about that. Now, here is the prohibition measure, and in that you have something that arouses the popular sentiment because it interferes with personal liberty, the liberty to eat and drink what we choose.

Mr. CARY. It confiscates their property, too.

Miss O'TOOLE. In the second place, it confiscates our property, too; and you have the public feeling aroused. I have talked with many of my personal friends who have been prohibitionists for years, and yet they resent the idea that it should be imposed on the people without a referendum.

Mr. LLOYD. I asked you a moment ago about how much you would have referred. You would not have every proposition referred?

Miss O'TOOLE. I would want suffrage for the District. If it is a proposition for the District, I want it.

Mr. LLOYD. Then, what you want, really, is not so much a referendum in this particular case, but a referendum in all cases in the District of Columbia?

Miss O'TOOLE. Of all matters.

Mr. LLOYD. In other words, to give the District the right of suffrage?

Miss O'TOOLE. The right of suffrage and the right of the referendum.

Mr. LLOYD. Local self-government and legislation by Congress?

Miss O'TOOLE. Yes.

Mr. LLOYD. Corresponding somewhat to the view expressed by Mr. Noyes in the different articles in the Star?

Miss O'TOOLE. Yes.

Mr. LLOYD. Well, is that the same as the measure outlined by Senator Chamberlain?

Miss O'TOOLE. Yes; that is one of the measures. The only objection I have to Senator Chamberlain's bill is that it limits the suffrage to the male sex.

Mr. JOHNSON. Senator Chamberlain's measure is to amend the Constitution.

Miss O'TOOLE. Yes.

Mr. JOHNSON. It does not.

Miss O'TOOLE. Yes, it does.

Mr. JOHNSON. It leaves the Congress the right to fix the eligibility.

Miss O'TOOLE. Yes; but I would like——

Mr. JOHNSON. Under that resolution of Senator Chamberlain's Congress would have the power to give an alien the right to vote.

Miss O'TOOLE. If it wished.

Mr. JOHNSON. Congress would have the right to give a male 21 years of age the right to vote. Congress would have the right under that resolution to give suffrage to the female. Congress under that same resolution would have the right to give the suffrage to a child 6 months old.

Miss O'TOOLE. Yes; but——

Mr. JOHNSON. There is no limitation upon Congress. It is all, in that respect.

Miss O'TOOLE. But after the amendment of the Constitution we have to have our fight, you see, to say that women shall vote.

Mr. JOHNSON. No Congress for a moment, under the Chamberlain resolution, would fix eligibility of those who shall vote.

Miss O'TOOLE. Yes; but after the amendment had been ratified by the various States and come back to Congress we would have our fight there to see who the voters should be.

Mr. JOHNSON. You would have your fight before Congress?

Miss O'TOOLE. Yes.

Mr. JOHNSON. And not a referendum?

Miss O'TOOLE. Yes; before Congress. But I would like that amendment to go out unequivocally for equal suffrage in the District and to have the Constitution amended, and go out with that understanding that we would have the fight after the constitutional amendment had been made if a fight was had.

Mr. FOCHT. I may be mistaken, but it is my recollection that at no time have the advocates of prohibition in the District ever offered any particular objections to the referendum, nor do I see that they could, inasmuch as that is the exercise of extreme democracy.

Miss O'TOOLE. Yes.

Mr. FOCHT. To have the people vote. You can not get near the people unless you let them vote. In Pennsylvania they ask no more than that in the matter of local option.

Miss O'TOOLE. Yes.

Mr. FOCHT. They claim that you have no machinery to put into operation in order to get the expression of the people here. Now, you may have answered that, but I would like to have you make that statement. Just how would you apply it if we were to put the referendum in there?

Miss O'TOOLE. That is for you to say, what machinery we should use. It is absurd to say that the District could not have as much machinery as any State.

Mr. FOCHT. I think it was the intention of Congress, when it was offered, that they should have some means by which they could vote.

Miss O'TOOLE. Yes. Here is the District, a much smaller place than many of the States. Look at New York. If New York can fix machinery, why can not the District of Columbia? That is a ridiculous thing to talk about, I think.

Mr. MAPES. Years ago, when they had a legislative body here, was this question submitted to vote of the people?

Miss O'TOOLE. A legislative body? You mean the delegate body?

Mr. MAPES. Yes.

Miss O'TOOLE. The question of prohibition was not up then, was it? If it was, I do not know about it. You see I have not followed prohibition closely at all. I do not spend my time on that particular reform.

Mr. MAPES. And the people of the District voted in favor of it, did they not?

Miss O'TOOLE. I am frank to say that I do not know.

Mr. CARY. Have you anything else, Miss O'Toole?

Miss O'TOOLE. No; that is all.

(At 12.10 o'clock p. m. the committee adjourned until to-morrow, Thursday, Feb. 15, 1917, at 10 o'clock a. m.)

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA

HEARING

BEFORE

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

SECOND SESSION

ON

S. 1082

TO PREVENT THE MANUFACTURE AND SALE OF ALCOHOLIC
LIQUORS IN THE DISTRICT OF COLUMBIA,
AND FOR OTHER PURPOSES

FEBRUARY 15, 1917

PART 6



WASHINGTON
GOVERNMENT PRINTING OFFICE

1917

THE UNITED STATES OF AMERICA
DO hereby certify that

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DO hereby certify that

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DO hereby certify that

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, February 15, 1917.

The committee met at 10 o'clock a m., Hon. Ben Johnson (chairman) presiding.

Mr. JOHNSON. The committee will please come to order. Under a previous arrangement, the committee will now hear Mr. Holland, of New York.

STATEMENT OF MR. JAMES P. HOLLAND, PRESIDENT OF THE STATE FEDERATION OF LABOR OF THE STATE OF NEW YORK.

Mr. JOHNSON. State whom you represent.

Mr. HOLLAND. I am president of the State Federation of Labor of New York State.

Mr. JOHNSON. You may proceed, Mr. Holland.

Mr. HOLLAND. Mr. Chairman and gentlemen, I appear here in behalf of the labor organizations of the city of Washington, in opposition to the bill now before your committee.

Mr. JOHNSON. You live in New York?

Mr. HOLLAND. I live in New York City; yes, sir. I represent my local organization.

Mr. JOHNSON. And you are here representing the local organization of Washington?

Mr. HOLLAND. My local organization in the District of stationary engineers and firemen.

I appear here in opposition to this bill for the reason that we do not believe it is a prohibition bill, as it admits into your territory liquors from other States and other cities.

We also oppose the bill because we do not believe that it is fair for any legislator, whether it is the United States House of Representatives or the Senate, or any city or State, to tell men or women what they shall eat and what they shall drink.

State-wide prohibition in a number of States it has been found does not prohibit. I have been in Atlanta, Ga., where State-wide prohibition is supposed to exist, and I have certainly enjoyed myself while I was there with wine, beer, and especially Ballantyne's and George Ehret's and Rupert's. The only thing you could not get over the bar in Atlanta was liquor. I have been in Kansas City—

Mr. JOHNSON. By "liquor," you mean whisky?

Mr. HOLLAND. Yes; and you could get it on the outside.

Mr. VINSON. You could get it from under the counter?

Mr. HOLLAND. I got it two or three different places.

Mr. VINSON. You have not been in Atlanta since last June?

Mr. HOLLAND. Not since last June; no, sir.

Mr. VINSON. Now, is it not a fact that prior to that time the law of the State of Georgia permitted the sale of beer of less than 4 per cent alcohol.

Mr. HOLLAND. I do not know whether it was 4 per cent or whether it was 10 per cent, but I know that Ballantyne's ale from Newark is considered about as good an ale as a man can drink, and I know that George Ehret's beer from New York is considered one of the best beers brewed in the city of New York.

Mr. LOBECK. That is not saying much.

Mr. HOLLAND. That is saying a whole lot. I worked 11 years in a brewery. I always like a drink when I feel like it, and I know enough to stop when I have got enough—sometimes.

One instance of this State-wide prohibition or local option, as it may be termed, is an argument put up by the opposition as to the amount of men that they will employ, providing matters of this kind goes through. The records of our organization show that in the brewing industry and the plumbers, carpenters, and glass workers, men who have followed those vocations for a number of years are not able to go out and take very heavy manual labor, and it has placed thousands of men upon the streets to compete with other unskilled labor. We do not believe it is fair or just to the majority of people, and I have always been in favor, in questions of this kind, that the matter be referred to a referendum vote. I have never been afraid of a referendum vote on the liquor. There is people that are afraid of it. I am not. I believe, Mr. Chairman, that if the liquor interest is a detriment to the country, it is pretty near time that a majority of the people knew that it was a detriment. I know a man who worked with me, worked in one brewery in the city of New York for 32 years, and that man, without any exaggeration—and there is a man here who can verify the statement that I am making just now—would drink on the average of 50 glasses of beer a day, and it would not affect him one iota; and that man had to operate an engine 160 revolutions a minute and to take care of two ice machines with one of the most deadly gases that is used in the world, of ammonia—not the brine system, but the ammonia system—and take care of a 160-kilowatt dynamo, and that man was never seen drunk in that place, because the employer would not stand for a drunken man in his employ.

Mr. CARY. Will you allow me to interrupt you?

Mr. HOLLAND. Yes.

Mr. CARY. If he drank 50 glasses of whisky a day, how long would he last?

Mr. HOLLAND. That I could not answer, because he did not like whisky. He did love his beer. I knew a man in Poughkeepsie who worked there who would not go to work until he had got 8 or 10 drinks of whisky. But that is no criterion. What is one man's meat is another man's poison. In George Ehret's brewery in the city of New York the head man has been there for 32 years, and he always took his liquor. He has got it right in his engine room with him, his liquor, wine, or beer. I will not be foolish enough to say that there are not men who abuse it. There is no question about it.

A good many people say that they are doing this for the benefit of the workingman. There is not so much drunkenness in New York to-day as there is in Seattle, Wash., and in the remote villages throughout the country. There is more drunkenness among the upper class than in the lower class, because they do it behind closed doors. The other fellow has got to go into the saloon and buy it in a glass, where they can have it in their house.

I do not know anything further I can say, Mr. Chairman. If I am able I will answer any questions that any of you gentlemen may want to ask me.

Mr. VINSON. I would like to ask you one question.

Mr. HOLLAND. Yes.

Mr. VINSON. How many members has this organization in the city of Washington that you are spokesman for?

Mr. HOLLAND. About 375.

Mr. CARY. In Georgia you found plenty of whiskey outside of the barrooms.

Mr. HOLLAND. I found it both in and outside of the bars.

Mr. LLOYD. I want to ask you about your statement, because I contend that prohibition does not prohibit.

Mr. HOLLAND. I have been in the State of Maine where a man could get up in the morning and get it.

Mr. LLOYD. If that is true, why is it that the liquor people are opposed to prohibition.

Mr. HOLLAND. They are opposed to it because it gives people the right to evade the law.

Mr. LLOYD. Their purpose is to sell their product, and if they can sell more in dry territory than in wet territory they would certainly want it dry.

Mr. HOLLAND. They would rather do it open and above board.

Mr. LLOYD. Do you not know, as a matter of fact, that it is a deception there for you to make any such statement as that?

Mr. HOLLAND. No, sir.

Mr. LLOYD. Wait a minute—and is it not true that liquor people and liquor representatives both admit that in a majority of States the failure to permit the advertisements to go through the mails will seriously cripple the liquor interests in the United States.

Mr. HOLLAND. The liquor interests may make that statement. I do not.

Mr. VINSON. Do you not think it would lessen the consumption or the convenience for it to be secured by the individual?

Mr. HOLLAND. I do not think so. Where a man is a drunkard, and you prohibit it, or where he likes to drink liquor, he is going to get it.

Mr. VINSON. It was a little hard for you to get liquor in Atlanta?

Mr. HOLLAND. Not after I was acquainted—after a day or two. It was a little hard the first two or three days, but after that it was the easiest thing I ever came across.

Mr. CARY. Were you ever in Bangor, Me.?

Mr. HOLLAND. Yes.

Mr. CARY. That is a prohibition city?

Mr. HOLLAND. Yes.

Mr. CARY. A city of 24,000 inhabitants?

Mr. HOLLAND. A little more than that.

Mr. CARY. In 1916 it had 24,000 and some odd inhabitants.

Mr. HOLLAND. I have been in Bangor in less than three months.

Mr. CARY. In 1915 they had over 4,000 convictions for drunkenness and disorderliness in Bangor on the record of the police court there.

Mr. HOLLAND. I may not be able to quote the figures, but I understand that it was quite considerable.

Mr. CARY. I have got the figures here.

Mr. VINSON. That does not prove that whisky was illegally brought there. It might be that whisky was illegally taken in there.

Mr. CARY. It proves that prohibition does not prohibit.

Mr. HOLLAND. I went into a restaurant there and asked for a cup of tea, and told them I wanted it strong, and I got the cup of tea, and it was pretty fair. It was not as bad as you get in some of the side streets.

Mr. CARY. Were you ever in the city of Milwaukee?

Mr. HOLLAND. I was; yes, sir.

Mr. CARY. And you have been in the city of Bangor, Me.?

Mr. HOLLAND. Yes.

Mr. CARY. Which city did you see the most drunkenness in?

Mr. HOLLAND. I seen more in Bangor than in the city of Milwaukee. I stayed in the city of Milwaukee for 10 days.

Mr. LLOYD. Were you hunting drunks in both places?

Mr. HOLLAND. I could that.

Mr. LLOYD. I say, were you hunting drunks in both places?

Mr. HOLLAND. No, sir.

Mr. LLOYD. Then how was it that your special attention was called to the fact that there was more drunkenness in Bangor than in Milwaukee?

Mr. HOLLAND. For the reason that I asked John Millan, who lives in Bangor, Me., how it was that there were so many drunks on the street.

Mr. HAMILL. It is a fact that coming into dry territory you were shocked to see so many people drunk?

Mr. HOLLAND. Yes, sir.

Mr. LLOYD. That is a splendid answer.

Mr. HOLLAND. That is the exactly the truth about it.

Mr. LLOYD. And you were amazed to see hypocrisy carried on on such a great scale?

Mr. HOLLAND. Yes; and you can do this, you can go into the city of Newburg or go into the city of Cornwall, and the city of Cornwall is supposed to be dry, and you can stand at the depot at Cornwall on Saturday morning when the liquor is dumped out there, and there is more liquor in the city of Cornwall than there is in the city of Newburg, which is wet. That can be seen by anybody who goes to Cornwall, and stands there and looks at it.

Mr. LLOYD. One of these places is in Maine?

Mr. HOLLAND. I am talking of Cornwall and Newburg, in New York State. Cornwall is dry, and the next station to Newburg.

Mr. LLOYD. You do not mean to say that it is dry?

Mr. HOLLAND. It is dry as to the man who can not afford to get it in a taxicab. It is wet to the man who can afford to buy it in cases, barrels, or caldrons, whichever name they see fit to put to it.

Mr. HAMILL. When you got to Bangor at that time you were unsophisticated enough to believe that the laws were obeyed, but you found that they were not.

Mr. HOLLAND. I knew enough not to ask for a drink until I got acquainted there, and was put wise as to how to get it.

Mr. VINSON. You asked for it, did you?

Mr. HOLLAND. I met a fellow and I asked him how could a fellow get a drink; that I felt like having one. He told me how to do it, and I had no trouble to get one after that.

Mr. HAMILL. Let me ask you this. Maybe you know this and maybe you do not. It is worth while relating to the committee as bearing on whether or not the law is really enforced, or whether any law is really enforced which conflicts violently with the desires of the population. I understand that in places in Maine the authorities wink at the violations of the law, and that the way licenses for the sale of liquor are obtained, or rather what would be equivalent to license money paid if the liquor was sold lawfully, is in this manner, that once a year a man is told, "You are going to be arrested tomorrow," and true to stipulation, either expressed or implied, he is summoned for violating the law and is taken in and fined just about a reasonable license, \$250, and then he goes out and carries on his business again; and that just as sure as death or taxes, he will be fined the next year the same amount on the same anniversary.

Mr. HOLLAND. I do not know of any particular case.

Mr. HAMILL. That was the story told me.

Mr. HOLLAND. I have never seen that done.

Mr. CARY. I will say that the mayor of the city of Seattle, Wash., is to-day under indictment for doing just that thing.

Mr. LLOYD. Are you representing the drys or wets here?

Mr. HOLLAND. I would say that I was representing the wets, sir.

Mr. LLOYD. Then you are opposed to this bill?

Mr. HOLLAND. I am; yes.

Mr. LLOYD. And still you say you want to represent the drys?

Mr. HOLLAND. No; I do not represent the drys.

Mr. LLOYD. You want to represent the wets?

Mr. HOLLAND (continuing). Because I do not believe the drys are honest in their contentions.

Mr. LLOYD. Then your impression is that a dry bill would be against the interests of the wets? You are against this bill because you are favorable to the wets. Now, you say that you want a bill that will be favorable to the wets; and you oppose this bill and you oppose it because it would be in favor of the wets?

Mr. HOLLAND. I want to say this to you, sir, that I do not believe that the wets or the drys have got a right to tell anybody what they shall do. The wets have no right to tell you, if you want to be dry, that you must drink; and the drys have no right to tell me that I must be dry if I want to drink. That would be the best way I can answer that question.

Mr. LLOYD. That answers the question as to personal liberty.

Mr. CARY. You believe in the referendum?

Mr. HOLLAND. I believe in the referendum.

Mr. VINSON. You have no objection to this bill being passed provided the referendum is attached to it?

Mr. HOLLAND. I would not, personally; no.

Mr. VINSON. Then it is up to the people to say whether or not there should be any sale in the city.

Mr. HOLLAND. It is up to the people; yes, sir.

Mr. VINSON. And if the people say there should not be, you would take that as the judgment of the people, and the people's saying you would abide by, and enforce the law?

Mr. HOLLAND. I would say that the majority of the people in the District of Columbia did not want liquor sold.

Mr. VINSON. And you would not take the position that that would keep it from being sold?

Mr. HOLLAND. I would not, because I do not believe it.

Mr. VINSON. The same line of argument applies as with reference to Maine and Georgia; there would be just as much sold as in those States?

Mr. HOLLAND. I would not say in such proportions, but it would be brought in under cover.

Mr. HAMILL. Bearing on Mr. Lloyd's question, and trying to straighten this matter out: While your views are in favor of the wets, as we call them, still in every statement of facts you have made to this committee you have stated what is true?

Mr. HOLLAND. Yes; that is true.

Mr. HAMILL. And in every statement of opinion you have made you sincerely believe it to be true?

Mr. HOLLAND. Yes. I have not taken a drink myself in 10 days, but if I feel like taking a drink after I get out now, I will have one.

Mr. HAMILL. And you do not want to have to take it like a burglar?

Mr. HOLLAND. No.

Mr. VINSON. Under this law, would you not have to take it like a burglar?

Mr. HOLLAND. I don't know. You could get it by the case. I don't believe I would be in a position to buy it by the case.

Mr. LLOYD. You do not buy it by the barrel now?

Mr. HOLLAND. Some of the ones that want prohibition, they will have it, where the fellow who wants to buy it in a can can not get it.

Mr. LLOYD. I was talking about your own position in the matter.

Mr. HOLLAND. No; I am not in position to buy it by the barrel.

Mr. LLOYD. Your convenience would be served by having the opportunity to buy a drink when you want it?

Mr. HOLLAND. Yes.

Mr. LLOYD. You are following the poor man's course, who buys it by the drink?

Mr. HOLLAND. Yes.

Mr. LLOYD. And not the rich man's course?

Mr. HOLLAND. Yes. I do not believe in hypocrisy—a man that goes out and preaches prohibition and then when he gets home has a bottle of whisky alongside of him.

Mr. LLOYD. When you spoke of Kansas City, did you mean Kansas City, Kans., or Kansas City, Mo.?

Mr. HOLLAND. Kansas City, Kans.

Mr. LLOYD. Kansas City, Mo., is all right?

Mr. HOLLAND. All you have got to do is to go across the river and you can get it in the railroad yards there.

Mr. HAMILL. In other words, it is all a question of whether you drink it honestly at a bar, or drink it behind a fence?

Mr. HOLLAND. I can answer you in this way. Going on a trip from Toledo, Ohio, across there, you can drink all the liquor you can

drink, on that ship. Take that same ship to Toledo, Ohio, and you can not buy a drink. The bar closes from one place to the other.

Mr. HAMILL. Kansas City, Kans., has an imaginary line separating it from Kansas City, Mo. Which is the dryer city?

Mr. HOLLAND. Kansas City, Kans., in my opinion, is a dry city.

Mr. HAMILL. I asked you which is the dryer?

Mr. HOLLAND. Kansas City, Kans., is the dryer city.

Mr. BURKE. What do you mean by its being a dryer city, because they have the most thirst there? [Laughter.]

Mr. HOLLAND. That is a pretty good way to put it, too, sir. In Kansas City, Mo., a man by the name of Joseph W. Martin—I spoke to him as I was coming on here and asked him if I could use his name—a railroad engineer, told me that they have no trouble in getting liquor; that they could get it from Kansas City, Mo.

Mr. LLOYD. There is no trouble about getting it in Kansas City, Mo. There are saloons there.

Mr. HOLLAND. Yes. It is the same way in Colorado. You could not buy a drink in Colorado Springs, but you can go right over the line and buy a barrel of it; and what use is prohibition if all you have to do is to hop on a trolley car. The same way, all you had to do was to go from Worcester, Mass., to Boston, and bring back two packages, one inside and one in the jar. If there is going to be prohibition, why not have straight prohibition? It is my duty to go from one end of this country to the other, and in Worcester there was plenty of it, and in Worcester when it was dry they saved their money by not going into Boston and bringing it back with them, but they bought it right in Worcester.

Mr. TINKHAM. Worcester is a peculiar kind of a town. It stays wet two years and then goes dry for two years.

Mr. HOLLAND. They have the sheriff watching at the end of the trolley line waiting for the car when it comes in from Boston, and every fellow that is not able to walk a chalk line, he is fined \$2.

Mr. MAPES. Are you in active business?

Mr. HOLLAND. Representing the New York State Federation of Labor.

Mr. MAPES. Is that a salaried office?

Mr. HOLLAND. Yes.

Mr. MAPES. How long have you been president?

Mr. HOLLAND. This is my second term.

Mr. MAPES. How long is your term?

Mr. HOLLAND. One year. I have been vice president for 11 years.

Mr. MAPES. You are a stationary engineer?

Mr. HOLLAND. Yes; a stationary engineer.

Mr. MAPES. Where is your home?

Mr. HOLLAND. New York City.

Mr. MAPES. When were you in Maine?

Mr. HOLLAND. Three months ago.

Mr. MAPES. When were you in Kansas City, Mo.?

Mr. HOLLAND. Last November.

Mr. MAPES. When were you in Colorado?

Mr. HOLLAND. I have not been in Colorado in 18 months.

Mr. MAPES. When were you in Milwaukee?

Mr. HOLLAND. I think three years ago I was in Milwaukee.

Mr. MAPES. What takes you to these different places?

Mr. HOLLAND. I am sent there by the international organization; requested to go there, the same as I have been requested to come here.

Mr. MAPES. Who requested you to go there?

Mr. HOLLAND. Mr. John Sullivan, who represents the brewery workmen; and Mr. Jerry Sullivan, who represents the bartenders.

Mr. MAPES. Where do they live?

Mr. HOLLAND. Mr. Sullivan, I would say he has no home. He is traveling all over the country.

Mr. MAPES. You come here, then, because you are asked by the representatives of the bartenders and of the brewery workers?

Mr. HOLLAND. And by my local organization here, in the city of Washington.

Mr. MAPES. Who asked you, from the city of Washington?

Mr. HOLLAND. Mr. James, our international vice president. He is the business agent of the firemen's union.

Mr. MAPES. Of the stationary firemen?

Mr. HOLLAND. Yes.

Mr. MAPES. Has there ever been a referendum on this question among the labor organizations that you represent?

Mr. HOLLAND. Yes.

Mr. MAPES. When?

Mr. HOLLAND. In August, 1915.

Mr. MAPES. That was on prohibition for the District of Columbia?

Mr. HOLLAND. Yes.

Mr. MAPES. Whom was that submitted to?

Mr. HOLLAND. All that organization.

Mr. MAPES. In this District?

Mr. HOLLAND. Yes.

Mr. MAPES. Not the New York organization?

Mr. HOLLAND. Not nationally.

Mr. MAPES. Do you have an interest as a citizen of the District, or personally?

Mr. HOLLAND. Yes, I do; because I have got quite a lot of friends in the city of Washington.

Mr. MAPES. Yes; on account of your friends that are here?

Mr. HOLLAND. Yes. Some of them are temperance men, but do not believe in prohibition.

Mr. MAPES. You started out by saying that you were opposed to this bill because it did not prohibit—because it was not a prohibition bill?

Mr. HOLLAND. Yes.

Mr. MAPES. Are you opposed to it on that ground, or because you think it will deprive members of the brewers' union and of the bottlers' union of work?

Mr. HOLLAND. I have been opposed to prohibition in all forms.

Mr. MAPES. You are really opposed to this bill because you think it will prohibit?

Mr. HOLLAND. No; it will not prohibit, because it allows liquor to come in to you.

Mr. MAPES. But that is not the reason you are opposed to it?

Mr. HOLLAND. I will make the same answer I did before. I am opposed to prohibition in all forms.

Mr. MAPES. But you are not opposed to this bill because it will prohibit, in your opinion? That is not the reason you are opposed to it, is it?

Mr. HOLLAND. I am opposed to the bill because it will not prohibit.

Mr. VINSON. If it would prohibit, you would not be in favor of it?

Mr. HOLLAND. Yes.

Mr. VINSON. Then you are naturally against anything that interferes with a man taking a drink?

Mr. HOLLAND. Yes.

Mr. VINSON. You believe it is an inherent right for a man to drink or eat anything he pleases?

Mr. HOLLAND. Yes.

Mr. VINSON. What do you think about the Harrison narcotic law?

Mr. HOLLAND. I have not read it, and will not answer.

Mr. MAPES. Have you been in Colorado recently?

Mr. HOLLAND. I have not been in Colorado for three years.

Mr. MAPES. Have you any statement from labor men as to the effect of prohibition there?

Mr. HOLLAND. No, sir.

Mr. MAPES. Do you know that there has been testimony before this committee from labor men from Colorado, who say that 80 per cent of the laboring men of the State of Colorado would vote against the State going back to the liquor business?

Mr. HOLLAND. I would not answer that, because I know there are labor men opposed to liquor. I know that. Some labor men are opposed to you going to a certain church.

Mr. MAPES. Have you ever lived in a prohibition State?

Mr. HOLLAND. I never have, and I hope I never will. If we have to, we will have to; but I hope they will make it in the kitchen.

Mr. MAPES. Your opinion is formed from what you have noticed?

Mr. HOLLAND. Known.

Mr. VINSON. And experience?

Mr. HOLLAND. And experience; yes, sir.

Mr. VINSON. And not from living in prohibition territory?

Mr. HOLLAND. Outside of living in it for three or four days or a week.

Mr. MAPES. Do you know of any State in recent years that has voted for prohibition that has gone back to the liquor traffic?

Mr. HOLLAND. No; I do not.

Mr. VINSON. Do you not know it is a fact that the prohibition sentiment and thought is growing all over the country?

Mr. HOLLAND. Well, I will answer that by saying that I was going up on the Empire State express on Tuesday, to Albany, N. Y., and there was a gentleman on board that was feeling kind of hilarious, and he spoke more than was good for him. He stated that he came down to New York once in a while, using the expression that is being used, "to get his tank full," because the rest of the fellows up in his village could not get it because it was dry.

Mr. MAPES. Who pays your expenses?

Mr. HOLLAND. The New York State Federation of Labor.

Mr. MAPES. They pay your expenses for coming here?

Mr. HOLLAND. Yes.

Mr. JOHNSON. Mr. Holland, what have been your opportunities to familiarize yourself with the citizenship of the District of Columbia?

Mr. HOLLAND. I have been coming to the District for a period of 15 years, about two or three times a year.

Mr. JOHNSON. I have in my hand an editorial from the Washington Evening Star written some years ago, upon the question of suffrage in the District of Columbia, which I think will be pertinent to the question of the referendum, because that is to suffrage. That article says:

About one-third of the inhabitants of Washington are colored, and this number includes thousands of the worst as well as the best specimens of the race. In addition to the permanent colored element an army of farms of Maryland and Virginia, to be used as voting material by political "bosses" and to be supported as loafers, by the wages of politics, partly by charity and partly by jail nourishment. The floating population of nontaxpayers will always be large at the Capital, where office seekers most do congregate, but with the accessions that elections bring the solid citizens would almost certainly be overwhelmed.

Have you any information along those lines?

Mr. HOLLAND. There is not an election going, whether in the city of Washington or in any other city, but that the floating cry goes up. I do not think that the authorities of the District of Columbia would allow them, any more than in our last elections in New York that there were thousands of colored men brought on from Philadelphia to vote in New York City. There might be a vote here and there, but I do not believe there is any man who is going to jeopardize his liberty to vote for any person on any question. There have been questions of what is commonly termed now a "pork barrel" full of money. I consider my liberty better than all the money that was ever produced by the United States. I would not care whether it was to save a man's life, I would not vote for him to save that life, against the law. I believe in upholding the law at all times.

Mr. JOHNSON. You are speaking of yourself, now. I am inquiring as to whether or not you are familiar with that particular class of which this article speaks?

Mr. HOLLAND. No; I am not. I would say the same as I said before, that I do not believe there would be any floating population, as they term it, come into any locality to vote for certain questions. There might be one or two here or there.

If reports are true, it is all over the United States that that occurs, but the cases are so few and far between that it is hardly worth while speaking of. But I do not think there would be thousands come from Maryland or Virginia into the District of Columbia to vote on any question, because I think they feel the same as I feel, that they were not going to jeopardize their liberty to come in and vote on the question whether it should be dry or wet, or for the election of any one particular person.

Mr. JOHNSON. You, then, venture that as your opinion as to the nonexistence of that in the District, and set it against the opinion of a man who has spent a lifetime here observing these conditions.

Mr. HOLLAND. I will state from my own experience around New York City, when it was rumored that there were trainloads coming from Philadelphia. That trainload has yet to come from Philadelphia into New York City.

Mr. JOHNSON. The Department of Justice of the United States was quite busy, was it not, to see that it did not get there?

Mr. HOLLAND. I do not know whether the Department of Justice of the United States was busy, any more than were the legal authorities of the city of New York. It was rumored; and there were quite a few sent to jail some years ago, and since then I do not believe

there has been but one man. About five years ago there were half a dozen sent to State prison for illegal voting, and since then I do not believe there has been but one man convicted in the city of New York for illegal voting.

Mr. BAILEY. May I ask you a question in connection with the article that has just been read?

Mr. HOLLAND. Yes.

Mr. BAILEY. Is not that article based upon the very clear assumption that only property owners are taxpayers?

Mr. HOLLAND. Well, I would not say that property owners are the taxpayers. There are a lot of men who are not property owners who are taxpayers in this country?

Mr. BAILEY. Certainly; and is it not true that the man who wrote that article had in mind an imposition of a property qualification for suffrage?

Mr. HOLLAND. Yes; because they have now got a bill before our legislature that a man can vote only if he has \$250 worth of personal property. That is to try and deprive the poor little fellow who has not \$250 worth of personal property of the right to vote on any question.

Mr. HAMILL. You have observed voting conditions in New York, have you not?

Mr. HOLLAND. Yes.

Mr. HAMILL. Where men trained in election machinery could perpetrate fraud if it was possible?

Mr. HOLLAND. I know I could in my district, if I wanted to do it.

Mr. HAMILL. And yet there is not much fraud, you say?

Mr. HOLLAND. In my own district there has not been a fraudulent vote, in the third district in the city of New York, for 15 years.

Mr. HAMILL. And that is because of the good registry law?

Mr. HOLLAND. And the watching.

Mr. HAMILL. And the watching of the registration, and the examination of the people who register, and going to the houses after the registry lists are closed; is not that so?

Mr. HOLLAND. Yes.

Mr. HAMILL. And you say that you think that if they applied the same rule in Washington that there is in New York there would be an absolutely square election, where the votes would be honestly cast and honestly counted?

Mr. HOLLAND. I believe so. You remember in New York some years ago, before the stringent election laws, such as there are now, a man got his ballot, and he put the ballots between his fingers, and he went in, and he voted between the schoolhouse and the fire house. Some big fellow would come along and grab the ballots from him, if they were not his ballots, and tell him "You have got the wrong batch of tickets," and give him his tickets; and if you did not vote them, well—

Mr. HAMILL. He made you hold up your hand with the ballots?

Mr. HOLLAND. Yes; he made you hold up your hand.

Mr. HAMILL. That condition has passed away from New York.

Mr. HOLLAND. Yes.

Mr. HAMILL. And in your judgment as a man familiar with New York politics, knowing it to be clean, you are of the opinion that the

same conditions would prevail in Washington with the referendum vote; do you, or do you not?

Mr. HOLLAND. Yes; I believe so.

Mr. CARY. There were also rumors that carloads of negroes were to be sent from the South. You read that in the papers at the time?

Mr. HOLLAND. I read it in the papers, that they were to be sent from Florida to New York. I knew it, because I was one of those put there by the late Dick Croker to watch on that end of it.

Mr. CARY. There is no doubt in your mind that it was a hoax?

Mr. HOLLAND. A bugaboo, as you would term it.

Mr. CARY. That is the political term?

Mr. HOLLAND. Yes.

Mr. VINSON. You think it was a hoax or a bugaboo in the local districts?

Mr. HOLLAND. Yes.

Mr. VINSON. Well, I will state to the gentleman that it was no bugaboo; that in my district, next to Macon, northwards, there were at the station ready to leave, when they were broken up by the police, a crowd of negroes. That was the way all along the line.

Mr. CARY. They were sent to New York or Philadelphia or anywhere else, because they can not vote in Georgia.

Mr. VINSON. They can not vote there.

Mr. CARY. They are a human being and ought to be allowed to vote.

Mr. MAPES. Why can they not vote?

Mr. VINSON. Because they are not qualified under the registration laws. There are property qualifications there.

Mr. HILLIARD. I thought you said a moment ago that if you desired to do so you could violate the election laws in your precinct.

Mr. HOLLAND. Not now. It is impossible to violate the election laws. At the present time it is impossible to violate the election laws.

Mr. HILLIARD. Then the record may bear out your construction of it. I thought you said, yourself, you could violate the election laws very easily if you desired to.

Mr. HOLLAND. I say that for this reason. You have got the Democrats and the Republicans and the Prohibitionists and the Progressives and the Socialists and the Socialistic Labor, and they all have watchers in the room where the ballots are being counted or where the registering is going on, and unless you could get the whole of them to go your way of thinking it would be next to impossible to have a crooked election in any one of the districts in New York at the present time. When it was only the Democrats and the Republicans there, there might be collusion between the two of them; but at the present time it is impossible.

Mr. HAMILL. You do not think in New York, where there is a big question that the people are divided upon and feel keenly upon, and they watch with any kind of care, that there is any possibility of fraud, do you?

Mr. HOLLAND. No, sir.

Mr. HAMILL. And that is because the election laws with regard to registry and voting have been so perfected that it is practically impossible for fraud to be carried on?

Mr. HOLLAND. Yes.

Mr. HAMILL. Without collusion between the two parties?

Mr. HOLLAND. You would have to get together the five parties before you could have collusion.

Mr. HAMILL. Without collusion between the five parties, then?

Mr. HOLLAND. Yes.

Mr. HAMILL. But if the two parties are absolutely honest in their contentions, and one for one side and the other for the other; there can be no fraud?

Mr. HOLLAND. Well—

Mr. HAMILL. Answer that; yes or no?

Mr. HOLLAND. Yes.

Mr. HAMILL. You come from New York?

Mr. HOLLAND. I am from New York. At the last election held in New York on the constitutional convention, you know, there was quite an interest in that election. The constitution adopted by the convention in session at Albany was defeated by over 500,000 votes. Now, there were quite a number of people interested in that election that would have loved to have had that constitution adopted by the people, but they could not bulldoze everybody, Republicans, Democrats, and Prohibitionists and Progressives; and the Greenback Party, too. There are some of them there.

Mr. HAMILL. That was defeated by 500,000?

Mr. HOLLAND. By over 520,000.

Mr. HAMILL. That was an honest election?

Mr. HOLLAND. It certainly was.

Mr. HAMILL. Because it was a big question on which the people felt keenly on one side or the other?

Mr. HOLLAND. Yes.

Mr. VINSON. You mean the overwhelming majority would indicate that it was?

Mr. HOLLAND. Against the interests that wanted something that they could control everything without even putting it before the people.

Mr. JOHNSON. Getting back to the question as to whether or not negroes are sometimes transferred from one place to another, which you seem to question very seriously, I can say to you that some of the most reputable citizens of Ohio County, Ky., last fall just before election counted five train loads of negroes one day being transferred over the Illinois Central Railroad from Mississippi to destinations supposed to be in Kentucky and Ohio, and the Department of Justice, so I am reliably informed, telegraphed to the United States Commissioner, Charles C. Baldwin, at Lebanon, Ky., advising him of this fact, and the telegram also bore the information that part of these negroes would come to Taylor County, Ky., in my district; and we got quite busy on the lookout for them, and they did not stop there in Taylor County, Ky., but subsequent information developed the belief that they went on to the State of Ohio.

Mr. HOLLAND. Would it not be best, then, to follow up the white man who brought the niggers?

Mr. JOHNSON. Of course. But, nevertheless, I think this one instance would show that such a thing is done.

Mr. HOLLAND. Then I think it would be well for the House to get the white man that corralled the colored fellows.

Mr. JOHNSON. There would have been a very much larger majority if those negroes had come there.

Mr. LOBECK. The Democrats of Indiana report that because of the negroes carried in there they lost the election.

Mr. HOLLAND. That, again, would point to the white man that brought the colored man into Indiana.

Mr. HILLIARD. That does not excuse the colored man.

Mr. HOLLAND. No; I have no use for the colored man.

Mr. CARY. The vote might increase in Ohio, but I understand that they do not allow them to vote in Kentucky without they have property or some other rights.

Mr. JOHNSON. You are entirely misinformed.

Mr. CARY. Kentucky is not tied up with that law?

Mr. JOHNSON. Every negro in Kentucky has a vote.

Mr. VINSON. Anyone that wants to vote in Georgia can vote if he can qualify under the registration law.

Mr. MAPES. It is made so that he does not want to vote.

Mr. BAILEY. I would like to say in regard to the negroes that were being moved around last summer that we got about a thousand in our town last summer, and we were glad to get them, in order to carry on work there. We put them to work immediately.

Mr. JOHNSON. We would be glad to furnish them to you.

Mr. BAILEY. We put them in the mines at \$2.25 to \$2.50 a day, and we would have been glad to have gotten a larger number of them.

Mr. VINSON. I move that we proceed with the hearing, if the gentleman has any other information.

Mr. LOBECK. We have had in the hearings already, in letters from men connected with Colorado, information that the State wants prohibition in Colorado; that there has been a great improvement there since they have had prohibition; and that the labor men do not desire to go back to the old way of open saloons. What have you got to say about that?

Mr. HOLLAND. I do not believe that he is speaking for a majority of the men, whoever he may be.

Mr. LOBECK. There are a number of letters here which have been put into the files addressed to the chairman, Mr. Johnson.

Mr. HOLLAND. The only way to answer that is by having him get a petition signed by each and every individual. What is there to prevent me from going back to the city of New York and writing a letter to the chairman of this committee telling him that I represent 500,000 workmen of the city of New York who are opposed to the law? That letter does not show that I am writing that honestly.

Mr. LOBECK. These letters were signed from the typographical union, and others.

Mr. HOLLAND. A typographical man?

Mr. LOBECK. Yes.

Mr. HOLLAND. They love it. I don't know of one of them that will give way to it, at all.

Mr. LOBECK. It was further stated that when the referendum vote was held as to whether to go back to the beer, the majority was larger than it was for prohibition in the first place, and including Denver, which went wet on the first election and dry the next.

Mr. HOLLAND. There are plenty of men who do not want liquor, sir, in their neighborhood or next door to them, but who do want it within half a mile, say, where they can go and get to it.

Mr. LOBECK. I just asked you for information.

Mr. HOLLAND. But the typographical men handle liquor from the time they go to work to the time they quit; either that or alcohol.

Mr. LOBECK. You know that the majority of the labor men were in favor of it?

Mr. HOLLAND. Yes; I should say a big majority.

Mr. LOBECK. I know they had a convention at my town last year.

Mr. HOLLAND. What town is that?

Mr. LOBECK. Omaha.

Mr. HOLLAND. That is a good town. I was in it.

Mr. LOBECK. It is the best town in the country. But they had a vote there, and they were divided on prohibition.

Mr. HOLLAND. I do not know what part of Omaha you are from.

Mr. LOBECK. I know that Omaha is by majority vote wet, there can not be any question about that.

Mr. HOLLAND. I know I got something there that turned my white shirt red. I don't know what it was.

Mr. CARY. You know there is a sanitarium at Colorado Springs?

Mr. HOLLAND. Yes.

Mr. CARY. Of the typographical men?

Mr. HOLLAND. Yes; but that is for old men.

Mr. CARY. About how many would you say were there, 100?

Mr. HOLLAND. Not so many. They made a report last November of the number there. I have not got that.

Mr. CARY. Those sanitariums are there for sufferers from liquor or tuberculosis; is not that a fact?

Mr. HOLLAND. Yes; I guess that is so; whether it is tuberculosis or old age; but it is broken down men from other places.

Mr. CARY. I suppose it would be a very easy matter to get those 100 to sign a petition in favor of prohibition?

Mr. HOLLAND. I do not know about the 100, but you could get some.

Mr. CARY. Perhaps that is the Typographical Union that the gentleman referred to in the letter inserted in the record.

Mr. LOBECK. I do not think it is fair to class any set of laboring men that belong to any union, to say they are not right. As a rule laboring men are right.

Mr. CARY. I do not say they are not right.

Mr. VINSON. Has the gentleman any labor organizations in his district?

Mr. LOBECK. I have known about labor organizations for many years, and the great majority of the men are honest.

Mr. MAPES. Are you a representative of a labor union?

Mr. HOLLAND. Yes.

Mr. MAPES. And it is matters of legislation that take you to and from these different places you have spoken of?

Mr. HOLLAND. Yes. I appeared in Albany, N. Y., yesterday, and I have got to be back there to-morrow on another hearing.

Mr. MAPES. And you appear at the capitals of the different States?

Mr. HOLLAND. Yes.

Mr. MAPES. For and against different legislation affecting labor?

Mr. HOLLAND. Yes.

Mr. MAPES. And it is in that capacity that you come here?

Mr. HOLLAND. Yes.

Mr. MAPES. You take that for granted; but was there ever any vote submitted to the general membership of the organization?

Mr. BOHM. The organizations have voted to oppose prohibition, according to the delegates.

Mr. TINKHAM. That is, a united membership of it?

Mr. BOHM. Yes.

Mr. MAPES. Do you know of any votes having been taken on it—of your own knowledge?

Mr. BOHM. I know the carpenters voted that way and the engineers and firemen voted that way.

Mr. TINKHAM. What was their vote, do you remember?

Mr. BOHM. It was unanimous, according to the report of the representatives.

Mr. MAPES. Every man in those locals voted against prohibition?

Mr. BOHM. Against prohibition; yes, sir.

Mr. MAPES. What unions were those?

Mr. BOHM. The engineers and firemen.

Mr. MAPES. In New York City?

Mr. BOHM. In New York City. The Brotherhood of Carpenters, the brewery workers, the bartenders, and cooks.

Mr. MAPES. Has it ever been a live issue in the State of New York?

Mr. BOHM. It is always a live issue.

Mr. MAPES. Have they never submitted the prohibition question to the vote of the people of the State?

Mr. BOHM. No; I would be in favor of that.

Mr. MAPES. Would you vote for it?

Mr. BOHM. I would vote against prohibition—undoubtedly.

Mr. MAPES. You are here opposing prohibition on the ground of personal liberty, not because you are against prohibition, are you not?

Mr. BOHM. I am here by instructions of our central body, to oppose this bill.

Mr. MAPES. You are a representative of the legislative committee?

Mr. BOHM. A legislative committee of our body. We have a legislative committee of three delegates.

Mr. MAPES. Have you ever lived in a prohibition State?

Mr. BOHM. No, sir.

Mr. MAPES. Here is a copy of a letter from the Trades and Labor Assembly, of Denver, Colo.

Mr. LOBECK. Is it signed by a man or a woman?

Mr. MAPES. He is a mister; I imagine it is a man. The signature is "Chester J. Common." It was written after prohibition had been in effect in the State of Colorado about a year, and he says this, among other things:

I might state primarily that I voted against prohibition. In my humble opinion the workers of Denver and Colorado are a lot better off mentally, morally, financially, and physically than they were when the State was "wet."

Then he says in another place:

Having been a drinking man myself for many years, I, like a great amount of people, was against prohibition, thinking it would be harmful in a general way. However, after the last three months I began to see the benefits it was bringing the men of labor, and their wives, children, and dependents.

Then another representative of labor writes in this way:

Our law closing the saloons went into effect just one year ago, and we can come to a pretty fair conclusion as to what actually did happen. In the first place thousands of workers were not thrown out of jobs. In fact, there wasn't even a ripple of that kind. The brewery workers have lost one branch (the brewers). There are no brewers employed in Colorado, and those either found other employment, else went to other States to work at their trade. But the drivers, the stablemen, the bottlers and the engineers, all connected with the brewers' and maltsters' international, find just as much work in their own line as before. The bottlers work on soft drinks and the drivers deliver the goods as before. The engineers are all employed. So we find no unusual conditions here. The plumbers and pipe men have more members and more men at work than ever before. And the cooks and waiters are so astonished at what has happened that they are all prohibitionists now.

Mr. TINKHAM. What is the date of that?

Mr. MAPES. December 28, 1916, after the prohibition law had been in effect a year.

Mr. TINKHAM. The prosperity wave was all over the country.

Mr. MAPES. Another representative of the labor unions of the State of Colorado writes that if the question should be submitted now to the people on this, 80 per cent of the laboring men would vote for prohibition. What have you to say, in the face of statements of that kind coming from representatives of labor right from the States that have had prohibition for a year.

Mr. BOHM. Unfortunately, undoubtedly, as we all know, we are not of one mind and one opinion. Now, those are statements given by individuals.

Mr. MAPES. Yes; but they are representatives of labor. If you were a member of this committee, say, and had to pass upon a question of this kind from the testimony submitted, would you think that the testimony of men who lived in a prohibition State for a year was worth as much as or more than the testimony of men who had never lived in one and had never experienced the benefits of or the evils of prohibition?

Mr. BOHM. I would first try to find out—

Mr. HAMILL. Just a minute, Mr. Mapes.

Mr. MAPES. May I finish that? I would like him to answer.

Mr. BOHM. I would prefer that—

Mr. HAMILL. Just as bearing on that, will you let me ask this question?

Mr. MAPES. All right.

Mr. HAMILL. Is that man to appear before the committee—the man who made that statement?

Mr. MAPES. I do not know.

Mr. HAMILL. Until he does, I want to ask you this: Is a statement where a man does not appear and no member can cross examine him to find out on what he bases his opinion worth much? Does it amount to much?

Mr. CARY. I can give the committee a bushel of letters like that on the opposite side. This room would not be large enough to hold them. What would they be worth?

Mr. TINKHAM. That is not worth very much unless the witness can be cross-examined.

Mr. HAMILL. We do not know what he had to base that opinion on.

Mr. MAPES. It is testimony that has been submitted here by a witness, the same as all other testimony has been given.

Mr. CARY. Mr. Oyster introduced that letter.

Mr. JOHNSON. In explanation of that, the chairman will say that a witness before the committee, Mr. Oyster, submitted that paper to the committee and it went into the record without opposition. The chairman has persistently held throughout his entire chairmanship, and quite recently, too, while the telephone hearing was going on, that those who simply desired to furnish written statements or briefs and deny the committee the right to interrogate them, those briefs or written statements were not to be permitted to go into the record.

Mr. MAPES. These letters were read at length before the committee by Mr. Oyster.

Mr. JOHNSON. I am explaining the difference between the two propositions. They were put in by Mr. Oyster.

Mr. MAPES. And read by him before the committee.

Mr. JOHNSON. Yes; and read in full, and it took an hour and a half to do it.

Mr. LOBECK. Nobody cross-examined him.

Mr. JOHNSON. A little bit.

Mr. HAMILL. And right on that, we know that it is quite possible, if not, indeed, probable, that some one else has drawn up those statements, and that the only thing that the subscriber contributed to the statement was his name.

Mr. JOHNSON. The Chair was endeavoring to go no further than to state how that paper got into the record without the man who wrote it being subjected to cross-examination.

Mr. HAMILL. Just for the purpose of the record, I am not referring to that particular paper, because I know nothing about it. I am speaking of the proposition of merely putting things in the record, generally.

Mr. CARY. Mr. Chairman, in answer to Mr. Lobeck, I will say that Mr. Oyster was cross-questioned, and also that I asked him if he had any other letter from any other State, at the time, than Colorado.

Mr. LOBECK. It does not show in the record here on those letters.

Mr. CARY. I asked the questions.

Mr. HILLIARD. I think these letters really were written to Congressman Cooper, of Ohio, and were given by him to Mr. Oyster.

Mr. LOBECK. They were written to Congressman Cooper.

Mr. MAPES. And we have the same statement in the Congressional Record, made by Senators and Representatives that live in Colorado and are familiar with conditions there. This is not an extract taken from one man's statement alone. I read, in fact, parts of three letters.

Mr. BOHM. I would want to know as a member of the committee, as you put the question to me, first of all whether these people who write such letters have been in favor of prohibition or whether they have been against prohibition prior to the passage of the law.

Mr. MAPES. Two of them say they voted against prohibition, and were drinking men.

Mr. BOHM. They are entitled to their opinions, as well as we are to ours. We understand that this is going to be very injurious to us.

Mr. MAPES. They live in a prohibition State that has gone through an experience that perhaps the rest of us have not had. You know we give a good deal of weight to the testimony of men who have had experience.

Mr. BOHM. Well, I do not see how labor men, if they are good union men, can favor a measure that will injure another part of labor.

Mr. MAPES. That may be because we are a little prejudiced. They say that it does not injure labor, and they are there on the ground, and one of them is the president of his organization.

Mr. BOHM. Well, I would like to have the opinion of organized labor of Denver, or of Colorado.

Mr. MAPES. Well, using your own method of reasoning which you used before, we must assume that the representative of labor voices the sentiment of his organization?

Mr. BOHM. Yes. I represent the unanimous sentiment of our central body.

Mr. MAPES. Here is a man who is the president of the labor assembly in Denver, Colo., who makes these statements.

Mr. BOHM. Yes; but he writes with the personal pronoun, "I." He says, "I, in my opinion," and not in the opinion of the organization.

Mr. HILLIARD. I would like to observe here that I am a pretty fair reflection of the labor men of Denver, myself. They would not have voted for me and sent me here if I had not been.

Mr. LOBECK. Do you mean that you ever worked?

Mr. HILLIARD. Yes, sir. I have sympathy with the laboring men, and they know that I am on the side of the people. I would not be here if I had to depend on the other class, because they are against me.

Mr. BOHM. He might have been a very good man, too, on union labor, outside of prohibition.

Mr. MAPES. And the strongest prohibitionist, probably, in the House of Representatives, is a labor man, and was so elected; he was elected to Congress right off the train, as an engineer, I think, or a fireman.

Mr. BOHM. Well, he was elected for being a union man, from a union district, I suppose.

Mr. MAPES. And he is a prohibition agitator.

Mr. BOHM. That may all be. We are broad enough——

Mr. LOBECK. He was defeated at the last election, was he not?

Mr. MAPES. No; he got an overwhelming majority, in the Democratic State of Ohio.

Mr. BOHM. We are not trying to trespass upon the personal liberty of anybody, and we claim that the other side should give us that same right. I do not see, for instance, where it has been proven to everybody's satisfaction that where prohibition dominates, the moral or the physical condition of the human family has increased wonderfully.

Mr. MAPES. I will ask you the same question that I asked Mr. Holland. Do you know any community that in recent years has voted for prohibition, that has gone back to the liquor traffic?

Mr. BOHM. No; I do not know that.

Mr. TINKHAM. They have not had a chance yet.

Mr. MAPES. Oh, yes; some of them have had prohibition for years and years.

Mr. TINKHAM. Colorado has been prohibition only a few months, possibly. How long has it been?

Mr. HILLIARD. Just a year ago last February.

Mr. TINKHAM. Of course that is a very short period for a result of that character. We have had times of prosperity and people have

been employed, and there has been a general period of expansion, and it is not fair to say because it has been successful in Colorado for a few months, and labor has not objected to it and people have not objected to it, that it is entirely successful——

Mr. MAPES. Nobody has said that.

Mr. TINKHAM (continuing). And that it is anything more than an experimental thing there.

Mr. MAPES. My statement was that there are a number of States that have had prohibition for years and none of them have voted to go back to the liquor traffic.

Mr. TINKHAM. They have not had an opportunity.

Mr. MAPES. They have had the same opportunity, and the system of referendum.

Mr. CARY. Most of them have not had prohibition, that is why.

Mr. TINKHAM. What are those States?

Mr. MAPES. Kansas is one. Maine is one.

Mr. TINKHAM. Maine came within about 3,200 votes, within two years, of reversing itself.

Mr. MAPES. There are others. There is Vermont.

Mr. HAMILL. They have not really tested it, and they wanted to see what would happen if they had a fair test. They may realize that the test is not fair, but if they keep on they may have prohibition—prohibition that prohibits—and then they will be in a position to say.

Mr. TINKHAM. There is a difference, too, in a country where there is only sparse settlement and very little of urban concentration, such that prohibition could be enforced, whereas in such a place as Greater New York or Massachusetts, where you have great congestion of population, it is not fair to compare, because the power to enforce and the natural capacity to enforce would be entirely different. You can not compare Kansas with New York in social conditions any more than you can compare the Antipodes with the Tropics.

Mr. GOULD. May I interrupt you a minute, Mr. Tinkham?

Mr. TINKHAM. I do not want to deliver an address here, but there are one or two things I want to get out of my system. In Massachusetts the city of Boston, for instance, has a referendum every year on whether there shall be license or no license.

Mr. HAMILL. The city of Boston?

Mr. TINKHAM. The city of Boston, every year, in November, in Massachusetts, votes either for license or no license, and at the last election in the city of Boston, although one well-known individual; Willie Sunday, was there talking for about eight weeks, and he had his saloon league chain and made a campaign, there was the largest vote, I believe, in 50 years, a majority of 50,000, for license.

Mr. HAMILL. Do you find any fraud there in the elections?

Mr. TINKHAM. Absolutely none.

Mr. HAMILL. A fair election?

Mr. TINKHAM. A fair election. Now, if prohibition was enforced in Boston against almost an overwhelming—a 2 to 1—sentiment, it could not be enforced, because juries would not convict, and it would simply lead, in my opinion, to disorder and to law being brought into great contempt.

Mr. HILLIARD. Who would violate the law?

Mr. TINKHAM. The people would violate the law.

Mr. HILLIARD. Those engaged in the liquor business?

Mr. TINKHAM. You mean those to-day engaged?

Mr. HILLIARD. Yes.

Mr. TINKHAM. No.

Mr. HILLIARD. Those that would then be engaged?

Mr. TINKHAM. Yes; that would then be engaged.

Mr. HILLIARD. Yes.

Mr. TINKHAM. To-day we have a great deal of trouble in convicting people even in the city of Boston, where licenses are reasonably freely given, before juries, for illegal liquor sales. With public sentiment as it is in the city of Boston, overwhelmingly for license, if a law should be passed to prevent the sale of liquor, in my opinion it could not be, either by a Federal jury or a local jury, enforced, and it would simply lead to more or less lawlessness and a general condition that, so far as social welfare is concerned in Boston, would be deplorable. Now, as I understand it the proposition before this committee is to submit to this community the question of whether they want prohibition or not, and it seems to me that that ought to be done just as it is done in Boston and as it is done in Vermont and as it is done in all those communities where prohibition has been tried and found to be unenforceable, and found to rest, as a matter of fact, for its enforcement and observation upon the sentiment of the local communities. Thank you for your patience.

Mr. CARY. Mr. Tinkham, you are close to Maine?

Mr. TINKHAM. Yes.

Mr. CARY. You are familiar with the cities in Vermont and Bangor, Me.?

Mr. TINKHAM. I am.

Mr. CARY. Do you know whether there is any whisky or beer sold in those cities?

Mr. TINKHAM. It is openly sold there.

Mr. CARY. And they are both prohibition?

Mr. TINKHAM. Both prohibition. In fact, I understand it is said that in a certain local community there, although the prohibitory statute is upon the book, they passed a local ordinance that on a certain day when a celebration was to occur the saloons should be closed.

Mr. MAPES. There is no interference with personal liberty in that State?

Mr. TINKHAM. None whatsoever in the letter, but a lot in the law.

Mr. CARY. Mr. Mapes referred to Maine as a prohibition State. I thought I would call your attention to that.

Mr. TINKHAM. Yes.

Mr. LOBECK. Has Boston any particular objection to the liquor law not being enforced in Bangor?

Mr. TINKHAM. No.

Mr. LOBECK. Boston liquor merchants have a big trade with Bangor?

Mr. TINKHAM. I think they have. I do not know about that.

Mr. CARY. Is there any other question you want to ask the gentleman? Have you anything else, Mr. Bohm?

Mr. BOHM. No. I was waiting to be cross-examined.

Mr. CARY. Oh.

Mr. TINKHAM. I am sorry to have taken away so much of your time.

Mr. JOHNSON. Mr. Columbus, have you somebody else now to go on?

Mr. COLUMBUS. Mr. Frank A. Kidd is here. Unless there is somebody else the committee voted to hear, I would like to have him heard this morning.

Mr. JOHNSON. Is there somebody else here?

The CLERK OF THE COMMITTEE. There is Mr. Proebstle, from Cincinnati.

Mr. JOHNSON. Is Mr. Proebstle here?

Mr. PROEBSTLE. Yes, sir.

Mr. JOHNSON. This gentleman is here in answer to a telegram, and we should hear him.

Mr. PROEBSTLE. If it is just as agreeable, I would wait and let Mr. Kidd be heard this morning. I have a considerable amount of matter to submit in opposition to the bill, and I will probably take up more of your time, and I would like to have an opportunity to-morrow morning.

Mr. JOHNSON. You will be here to-morrow morning at 10 o'clock?

Mr. PROEBSTLE. Yes.

Mr. CARY. Mr. Chairman, just a word before we have any more witnesses. I think that nearly every one of us wants to be on the floor of the House this morning. You know our experience last night.

Mr. JOHNSON. I read about it in the papers. [Laughter.]

Mr. BURKE. I suggest that we work away until the alarm is given.

Mr. CARY. If the committee feels that way, and wants to hear Mr. Kidd, all right.

Mr. JOHNSON. I submit that we had better go ahead with Mr. Kidd. It is only 20 minutes past 11 o'clock.

STATEMENT OF MR. FRANK A. KIDD.

Mr. KIDD. I am a resident of Washington and a citizen of the State of Illinois.

Mr. Chairman and gentlemen of the committee, a number of members of several local unions affected by the legislation proposed, residing in this city, have requested me to come here and voice their hope that this measure would not be placed upon them without at least giving them what we all regard as the great American privilege of expressing our opinion of the measures of law that shall come to govern us. These men are the brewery workers, numbering 400; the firemen, numbering 60; and the stationary engineers, numbering 25.

Legislation of the character proposed in this measure, called the Sheppard bill, is seldom imposed upon any community without the consent of that community. There may be isolated instances of measures of this character being imposed upon a community without the community having expressed itself.

Mr. MAPES. In that connection, the Legislature of the State of Indiana in the last 10 days has passed a bone-dry law without submitting it to the people of the State, has it not?

Mr. KIDD. The Legislature of Indiana is responsible and responsive to the people. That is a condition in the situation that presents itself this morning.

Mr. MAPES. They did pass the law without submitting it to the vote of the people?

Mr. KIDD. They did. I happen to have been a resident of Indiana for quite a while at one time, and I know that the liquor question has been a live issue in Indiana ever since I was a boy. They know something about it in Indiana, I can assure you. If those I represent are responsible, and as I believe, patriotic citizens of the Republic, why should an unusual, undesired regulation of individual tastes and personal habits be forced upon us, willy-nilly, whether or no? This position may not appeal to this committee, but it seems the most natural position for a member of organized labor, a pure democracy, if there is one in the world—the labor movement. State legislatures do not enact stringent measures of this character without assurance from the people that the laws are wanted by the majority of the State. There has been a great deal said this morning about conditions in the States where apparently the majority do not want the laws enacted. I need not dwell upon that.

Mr. HAMILL. Mr. Kidd, how many men do you represent?

Mr. KIDD. I represent actually here this morning, by representation—because I am a printer and not a brewer—485.

Mr. HAMILL. How did they authorize you to come here?

Mr. KIDD. The executive committees of the several unions, six of them, met, and expected to bring here a representative of each, and when they began to select the men to come, it looked as if—

Mr. HAMILL. They gathered together, either the 400 men, or by representatives, and selected you?

Mr. KIDD. Yes.

Mr. HAMILL. Is that right?

Mr. KIDD. Yes.

Mr. HAMILL. There was a meeting?

Mr. KIDD. There was not a meeting of the organization.

Mr. HAMILL. But there was a meeting of those units which made up the organization?

Mr. KIDD. Yes.

Mr. HAMILL. And they selected you to come here and talk on this subject.

Mr. KIDD. That is correct.

Mr. HAMILL. And they authorized you to come here and deliver what would be their message, against prohibition.

Mr. KIDD. Their message.

Mr. HAMILL. Against this Sheppard bill?

Mr. KIDD. That the measure should be submitted for the approval or disapproval of this community.

Mr. HAMILL. I see.

Mr. KIDD. Realizing, of course, that even after expressing ourselves, if this community should vote unanimously against this measure, still Congress might pass this bill and impose it upon us; and rightfully, under the system that the District has here.

Mr. HAMILL. It is your position and the position of the people you represent that you want a referendum; that you want to have it submitted, as I understand it, to the electorate?

Mr. KIDD. We believe that the Congress has dealt with the District of Columbia—this is my personal view, at least—extremely fairly in almost all of the measures that they have enacted for the government

of the District of Columbia; but we also realize that this question is a moral question, and that the Government of the United States is or is not, according to our opinion, a moral agent. It is a political agent, and in the politics that they want to put upon the people, we accept them freely; but we do not think that the moral and the political elements of the community should be merged entirely, and a moral proposition forced upon us that is repugnant to a majority of the community. We would like to express ourselves upon that proposition.

Mr. JOHNSON. You say this is a moral proposition?

Mr. KIDD. I think it is, fairly.

Mr. JOHNSON. That has been disputed here several times.

Mr. KIDD. Yes; I notice there is a difference of opinion about that. Some contend that prohibition is a political question.

Mr. JOHNSON. Why is it a moral proposition?

Mr. KIDD. Simply because it has not entered our political life.

Mr. HAMILL. Is it not, rather, sumptuary legislation, something like legislation regarding dress or food to be eaten by the people—the quantity and character? Is it not because it interferes with a man's habits, and provided that it is not inherently bad, do you believe that it should be left to a man's discretion? Is that right?

Mr. KIDD. That is not only my opinion, but I conceive that to be the opinion of an enormous majority of workingmen, and I believe the opinion of a great majority of all the men I know in every part of the country where I have lived.

Mr. JOHNSON. You say it is a moral question. Now, what is a moral question, the proposition for prohibition or the opposition to it? Which is the moral question?

Mr. KIDD. Of course in our political life it is very difficult indeed to draw a line, to demark the point at which the moral and political meet. I realize that perfectly. So far as I am concerned, I am willing to admit that it is a political question if it will help the hearing any and push it along, because I know that the community wants to get rid of it, and we do not want to occupy the time. Probably that is one reason I was selected rather than sending six men, that we might facilitate the hearings and get the thing before Congress, or before the people, as we hoped would be the case.

Mr. JOHNSON. I believe, Mr. Kidd, in the few moments that you have been before the committee, that you are a man of unusual intelligence and that you express yourself unusually well, and since you have said that this is a moral question I am really quite anxious, now, just to get your explanation of what is the moral question that is involved.

Mr. KIDD. A moral question, or a question that affects the habits of mankind, and has done so from the time that we know anything of history—

Mr. JOHNSON. When you say that it is a moral question do you mean that it is a question of right and wrong, speaking from a moral standpoint, and not from a legal standpoint?

Mr. KIDD. Of course, that is one reason why I prefer not to call it a moral question.

Mr. JOHNSON. You have already said that it is a moral question.

Mr. KIDD. Yes.

Mr. JOHNSON. And because you said that I am led to ask you these questions.

Mr. KIDD. It does not assail my manhood, it does not belittle my morality, in my own estimation, if I take a drink of whisky. I do not believe that I become any less a man, or less respectable in the estimation of respectable and honest people if I——

Mr. JOHNSON. I thoroughly agree with you in that statement; but now I am still endeavoring to get at the place where you say this becomes a moral question.

Mr. KIDD. It is a moral question because everybody who proposes it contends that it is. They say "We want to correct the morals of the people." That is the only argument that any of them make.

Mr. JOHNSON. Then your contention is that it is only the abuse of whisky which makes it immoral?

Mr. KIDD. Just as it is the abuse of anything in life that makes it immoral.

Mr. HAMILL. When you say it is a moral question, you mean not because it is in itself and essentially a question of morals, but because a lot of people call it a moral question; is that your idea?

Mr. KIDD. That is practically my idea.

Mr. HILLIARD. Yes.

Mr. KIDD. The proponents of prohibition contend that it is a moral question.

Mr. HILLIARD. And in that sense you say it is a moral question; not because you consider it so, but because it has been given that character by a great many who think it is?

Mr. KIDD. I spoke in the sense in which the question is usually presented.

Mr. HAMILL. And properly presented.

Mr. KIDD. As submitted to the people, it is a moral question.

Mr. JOHNSON. You say, now, that it is not immoral for a man to take a drink. Beyond that where comes, in your judgment, the first question of immorality connected with it, in the sale of liquor?

Mr. KIDD. The man who is constitutionally weak, who is incapable of so conducting himself as not to be a menace to the community, to sell that man liquor is an immorality.

Mr. JOHNSON. His drinking itself is immoral?

Mr. KIDD. His drinking liquor is immoral, although his consciousness and his manhood are not sufficient to prevent his drinking it, to withstand the impulse to drink. Probably that would be immoral on his part. But that is immoral on the part of the community; and the man who will, knowing him to be that kind of a man, aid him to get liquor is immoral. That is immoral.

Mr. JOHNSON. Then it is your view that if a man goes and purchases liquor, and with it becomes drunk, then the one who has served it to him has been guilty of an immorality?

Mr. KIDD. I do not so hold, any more than if I go to you and buy a razor and with it cut my throat, you are guilty of an immorality.

Mr. JOHNSON. Then I fail to understand you, when only one minute ago I understood you to say that it was immoral to sell whisky to a man who got drunk.

Mr. KIDD. No, I did not say that, exactly.

Mr. JOHNSON. I will be glad to have you state, then, what you did say.

Mr. KIDD. I said that the man who was incapable of controlling his passions and his appetite should not be allowed to purchase liquor because the result is injurious to him; and if there were enough men of that kind in the community, you could ruin the community by supplying them with a sufficient amount of whisky or liquor.

Mr. JOHNSON. Does anybody get drunk except the man who has lost so much self-will that he can not control his appetite?

Mr. KIDD. That is about the only man I know that gets drunk habitually.

Mr. JOHNSON. Then it is your opinion that the man who will sell liquor to a man who habitually or frequently gets drunk is guilty of immorality when he furnishes him with the liquor?

Mr. KIDD. If he does it consciously. I should regard it so if I was in the liquor business. I do not appear here for the liquor interests. I would not want to be put into the record as being one who had anything to do with the liquor interests, or any interest in the liquor business. I appear here on behalf of the labor interests who believe they are having taken from them liberty.

Mr. MAPES. What is your business?

Mr. KIDD. Printer.

Mr. MAPES. Are you an active printer now?

Mr. KIDD. I am a printer now. Unlike some printers who have been here, I am still printing. I am employed by the Government in the Government Printing Office.

Mr. MAPES. We had one predecessor of yours who said that he was in favor of this bill.

Mr. KIDD. Oh, yes; he is in favor of this bill, or one seven times as strong as this if they could write it.

Mr. MAPES. And he brought here a petition signed by 700 union men of the District.

Mr. KIDD. I believe so. I do not know how many.

Mr. MAPES. So that it is not a question that is all one sided; then, in the District, among union men?

Mr. KIDD. Oh, no; not at all. It is a question that readily permits of a division of opinion among reasonable men.

Mr. CARY. Have you any idea how he secured those names in the Government Printing Office?

Mr. KIDD. I have. I know how some of them were being secured; by passing the paper around and asking people to sign it. I was asked to sign.

Mr. CARY. A good many signed and afterwards asked to have their names scratched off, after discovering what it was?

Mr. KIDD. That may have been the case.

Mr. HAMILL. Do you know that that is the case?

Mr. KIDD. I do not.

Mr. JOHNSON. As I understand you, your principal interest in appearing here to-day is for the purpose of securing continued employment for men, rather than to consider the question of morality or immorality in the sale of liquor.

■ Mr. KIDD. Yes; I do not feel myself competent to touch the moral or the immoral point. I know very little about either of them. I know nothing about the law. I should not attempt to speak from that standpoint. So that there is but the standpoint of humanity, the standpoint of the individual who lives in the community, and as

a citizen of the community ought to have the consideration of the lawmakers. These men have lived here all their lives, many of them—nearly all of them, doubtless 90 per cent of the people for whom I speak have lived here all their lives—and many of them own their homes and many of them are purchasing their homes through building associations or on the installment plan, by monthly payments, and I think that you can readily draw the conclusion that if this bill should become a law that business would cease in the District. Now, a man who has worked for 45 or 50 years as a brewer is not likely to go into a community like the District of Columbia, with such a meager industrial life, and be able to find any employment whatever.

Mr. TINKHAM. Whom else would it affect except the man who was a brewer?

Mr. KIDD. I am glad that you asked me that question. I have a note on that. In addition to the 485 union wage earners employed in the breweries of the District of Columbia, there are 125 clerks and helpers employed about the breweries.

Mr. TINKHAM. They could be clerks and helpers about other establishments?

Mr. KIDD. If there were other establishments here.

Mr. TINKHAM. If there were other establishments here?

Mr. KIDD. Surely. There are 800 bartenders and 500 porters.

Mr. TINKHAM. The bartender would adapt himself to some other business, and surely the porter would.

Mr. KIDD. He could turn to something else.

Mr. TINKHAM. If he could get another job?

Mr. KIDD. Yes; if he could find it. Then there are 75 ice-wagon drivers. They would be thrown out. There are 1,500 men, and with the 485 that makes approximately 2,000 heads of families who would be thrown out of employment, whose labor could not be absorbed in the meager industrial life of the District, and who would be forced to seek a livelihood elsewhere.

Mr. TINKHAM. What do you think of this argument that is advanced by the prohibitionists, that these figures show that these people who are thrown out of employment obtain readily other positions, and that there is generally an economic improvement in the community? Have you had any evidence on that?

Mr. KIDD. I heard a letter read this morning from Denver. In a new, thriving, booming community like Denver I would imagine that probably there some of that excess labor could be employed. Now, the condition is just the reverse in the District of Columbia. Nearly everybody comes to the District of Columbia to look for something requiring little effort. I did. I am not speaking about other people now. I am willing to be entirely fair in the matter. It is the general disposition of men when they get to the District—"It is the seat of Government, and things are pretty easy there, and if I can only break in, things will be nice for me." So that they do not come here seeking employment except the easy kind.

Mr. JOHNSON. That is, the Government kind?

Mr. KIDD. The Government kind. There are two sides to that proposition. There is some Government employment that is most onerous.

Mr. HAMILL. It is not easy after they get into it a while?

Mr. JOHNSON. The hardest part of it is to get an increase of salary, or promotion?

Mr. KIDD. That is the hardest work we have, sir. [Laughter.] I believe in interjecting a little pleasantry into these hearings. They are generally very, very dry.

Mr. MAPES. Have you a family?

Mr. KIDD. Yes.

Mr. MAPES. And children?

Mr. KIDD. And children.

Mr. MAPES. Boys?

Mr. KIDD. Boys.

Mr. MAPES. If this question of the referendum was submitted to you, how would you vote?

Mr. KIDD. Well, Congressman, I do not believe I can answer that question. If I could bring myself to think, between now and the time that we should vote upon this, or you shall vote upon it, and you were the deciding power in this matter, you were the controlling power, I do not know what I would tell you. I would have to study it a little bit further. Why? Not because I have not convictions on the question, but I would want to know precisely what the effect would be in this community; and if the effect would be ill for this community, I would tell you to vote no.

Mr. MAPES. If you were satisfied that the liquor traffic did nobody good and did many people harm, how would you vote?

Mr. KIDD. That is not a proposition to control a man's judgment. If I thought that the liquor traffic was good and did some people harm, would that cause me to give a vote for a bill like the Sheppard bill?

Mr. MAPES. No——

Mr. KIDD. No; hardly.

Mr. MAPES. You misunderstood my question. I say, if you were satisfied that it did not do anybody any good, and did a great many people harm, how would you vote?

Mr. KIDD. I rather apprehend that it does a whole lot of people good. The Treasury of the United States, I believe, shakes hands with itself because of the liquor traffic.

Mr. MAPES. That is, simply in getting the revenue.

Mr. KIDD. Yes.

Mr. MAPES. Outside of the revenue feature, do you think it does anybody any good?

Mr. KIDD. Yes, sir. Physicians prescribe it. It must be good. I do not know why.

Mr. MAPES. This does not interfere with medicinal use of it.

Mr. KIDD. What is that?

Mr. MAPES. This bill does not propose to interfere with its use as medicine.

Mr. KIDD. No; but if I felt in the morning, as I did feel this morning, that probably a little bit of the "old critter" would not do me any harm, I would go to a physician and pay him 50 cents for a prescription and then I would go to a drug store and pay 50 cents and get 5 cents' worth of bad whisky; whereas I could, under some reasonable regulation of the liquor traffic, go to a place and pay 10 cents, or go to a gentleman's place and pay 15 cents, for a drink. Now, I do not think, because whisky does injury to some, that all men

should be deprived of the use of it. I do not want it frequently myself. Once in a while I do.

Mr. MAPES. Then you have some particular conviction as to whether you would vote for or against it?

Mr. KIDD. I have. My disposition would be generally to vote against the bill because I think it would not be a good proposition for this District. If I lived somewhere else, for instance, if the question should be presented to me in my own bailiwick, in Chicago, knowing some of the enormous evils of the liquor business in Chicago, I might be persuaded, because of the evil practices, to vote for prohibition.

Mr. MAPES. Do you think that the city of Washington is different from the city of Chicago, so far as the evils of the liquor traffic are concerned?

Mr. KIDD. You know something of Chicago, do you?

Mr. MAPES. I am asking you that question.

Mr. KIDD. I want to base my reply upon your knowledge of Chicago. I think there is a very great difference.

Mr. MAPES. It might be due to the different size of the towns. If the liquor traffic is very bad in the city of Chicago, perhaps it is bad to some extent in the city of Washington.

Mr. KIDD. Yes; it is bad in the city of Washington to some extent, and everywhere else to some extent. Wherever liquor is sold there is some badness.

Mr. MAPES. Yes.

Mr. KIDD. You are not going to remove that badness by saying that you will not sell any liquor. In the Navy they used to have a liquor ration, but that has been abolished, and the men now take pine boards and make alcohol from the wood, the most vile and noxious stuff imaginable, and drink that. They will have it.

Mr. HILLIARD. If they drink it to any extent, it will kill them.

Mr. KIDD. Yes. I would rather give a boy a drink of good whisky than to have him drinking alcohol and ruining his constitution.

Mr. MAPES. If you had the opportunity to put temptation away from your boys, what would you do?

Mr. KIDD. Congressman, we all have different views as to how to raise our boys. I raised my boy to be a soldier if necessary, but not with that in view.

Mr. MAPES. I agree with Mr. Johnson in thinking that you are a very intelligent and also a very fair witness, and I want to get your best judgment on this.

Mr. KIDD. All my life I have been a rather Bohemian sort of character. I love my home—

Mr. MAPES. Now, take yourself out of consideration. Just take your boy.

Mr. KIDD. My boy; I am getting to that. I have to give you a little that is personal in order to get at that thing. I have been out with printers, and after working late at night we would stop on the way home and have a wee peep at it, and I have been up against that sort of thing, and when I got my boy large enough to begin to have an outlook on life I did not tell him that there were a whole lot of things that he should not ever have a sight of, but I took him and showed him everything that I knew and told him about everything. He now lives at Moline, Ill., and he is a teetotaler; will not touch any

kind of spirituous liquors, and in my judgment he leads a very, very moral life.

Mr. MAPES. You think that is good? The fact that he is a teetotaler is a good thing?

Mr. KIDD. I showed him the evils of all these things, and he had brains enough to avoid them.

Mr. MAPES. Some people may not have the strength of character to avoid them.

Mr. KIDD. Now, that is unfortunate, of course.

Mr. MAPES. Yes.

Mr. KIDD. Yes; very. But you and I are able to take care of ourselves, are we not?

Mr. TINKHAM. I want to ask a question. It seems to me that it is a very important thing in relation to any law that is passed whether it can be enforced or not. You have spoken of Chicago, and have contrasted it in certain ways with Washington. Now, what is your opinion as to the enforcement of prohibition in Chicago? Could it be done?

Mr. KIDD. I think it would be impossible for many years.

Mr. TINKHAM. Yes.

Mr. KIDD. It might get into a different situation as time goes on and environment changes, and I suppose in the course of time even prohibition could be enforced in Chicago or in Boston.

Mr. TINKHAM. Yes.

Mr. KIDD. But it would not be really for a number of years.

Mr. TINKHAM. Particularly if the local sentiment was against it?

Mr. KIDD. The local sentiment in Chicago would be against prohibition. I am sorry to say that it is not in favor of a more stringently regulated traffic in Chicago. I wish it were.

Mr. TINKHAM. I think it is very important in passing a law for the law makers to take into consideration whether the law can be enforced or not, in putting it on the books. What have you to say about the possible enforcement of prohibition in the District of Columbia as contrasted, we will say—absolutely not as contrasted with Chicago, but what would you say about the possibility of the enforcement here?

Mr. KIDD. Well, I believe that this community is typical of America. I do not think it is very much different from any other community in the United States. I think it is a little bit more intelligent and a little bit more refined than a great many communities in the country, and so far as its morale is concerned and its ideals and conceptions of life, it is just about on a level with the rest of the United States, and what you find being done in Maine and Kansas, and undoubtedly in Colorado, and down in the sun-burned districts in Oklahoma and New Mexico, would be done in the District of Columbia, because humanity is about the same here as in other places. A man, if he could not buy anything to drink here, would get on the trolley car and go to Baltimore, and as one gentleman this morning illustrated, would bring back two packages, one inside and the other in a jug, and would dispense that to his neighbors. Thus you have a condition that robs the community of its substance and does not prevent the evil that you are trying to strike.

Mr. TINKHAM. It is your opinion that prohibition could not be enforced in the District of Columbia; that there would be a large number of illegal sales and traffic?

Mr. KIDD. I think probably it could be enforced in the District of Columbia better than in any other community I know anything about.

Mr. LOBECK. Of its size?

Mr. KIDD. Yes; of its size.

Mr. TINKHAM. May I ask why you say that—just to get the reason?

Mr. KIDD. Because I think it is a little bit higher in the scale of civilization—human, mental, and spiritual development. Our environment brings that to us. This beautiful Library of Congress is an inspiration to us. If a man never had one in his life, he could not pass that library without it. I pass it three or four times a day, and I have three or four inspirations a day. It is inspiring to a man just to look at that building. Our surroundings here exercise an influence on everybody in the District, and for that reason I say that our moral perception is a little better than in most other American communities, and I think we could enforce law better than some of the other communities.

Mr. JOHNSON. Do you not also believe that Federal laws are given more respect everywhere than our local laws?

Mr. KIDD. They are, Mr. Chairman. I know it is true. I know that in Illinois we had an illustration of that: A man would violate an ordinance of the city or possibly a State statute, but he would not violate the Federal law.

Now, that just suggests one other fact. Does the Congress of the United States, by passing this kind of a law for the District, want at the same time to indict the United States, because the United States is in the liquor business just the same as the District of Columbia is in the liquor business to-day?

Mr. MAPES. More than one-half of the United States is dry, is it not?

Mr. KIDD. I do not care if ninety-nine hundredths is dry, Mr. Chairman. That is not the proposition. As long as the United States is in the liquor business I am not going to say that the liquor business is evil, whatever I may think about it.

Mr. MAPES. What do you mean by saying that the United States is in the liquor business?

Mr. KIDD. Well, whenever a man hands me money for something, I must be in it with him. If you pass me a \$10 bill for some service, then I am tied with you in that service by that \$10 bill.

Mr. HILLIARD. Would you favor national prohibition?

Mr. KIDD. I think I would, most heartily.

Mr. JOHNSON. Are you taking the position that the United States Government licenses the sale of liquor?

Mr. KIDD. It permits it, and a man can not do it unless the United States gives him a little piece of paper saying, "Go ahead, boy; go to it."

Mr. JOHNSON. I think he can do it. There is a difference of opinion about that.

Mr. KIDD. Well, he has to have a license in order to do business.

Mr. JOHNSON. No; the United States Government issues no liquor license. I state that advisedly. Whenever a man does engage in the liquor business then the United States Government taxes him for so engaging. I make that statement very advisedly.

Mr. KIDD. Yes; you are entirely correct.

Mr. JOHNSON. I challenge any man to find a license issued for the liquor business by the United States Government.

Mr. KIDD. And yet without that little piece of paper, which I had to purchase once, myself, one could not do that business.

Mr. HAMILL. Do you mean in the sense of penalizing him?

Mr. JOHNSON. The United States Government penalizes a man for selling it, but never grants him a license for selling it.

Mr. HAMILL. The same might be said of every State government that imposes a corporation tax on a company that is formed.

Mr. JOHNSON. We are discussing this proposition, now. You may have misstated something else, but I have not misstated this proposition. I have stated that the United States Government does not issue him a license to engage, but taxes him for engaging, in the business. You will have to refute that proposition. I have stated it exactly as it is.

Mr. HAMILL. But it does not do it to penalize him; that is the point. The United States must have revenue, and it raises it on the liquor business because it is a luxury, and no man would for a moment be so rash as to assume that the United States Government would raise money on things which are morally bad or inherently wrong; and the very fact that it is willing to take from the liquor business the money whereby all the blessings of the Government are distributed, is a proof that it looks with favor on the liquor business.

Mr. JOHNSON. The naked fact still remains that the United States Government never issues a license to sell liquor, but that it does penalize by taxation the man who does sell it.

Mr. HAMILL. The fact remains that the United States Government, if it does not issue a license, yet looks upon the liquor man as having the same right to engage in this business as if he were selling cloth.

Mr. JOHNSON. The United States looks upon the business—

Mr. HAMILL. But, it being a luxury and cloth not a luxury, cloth being a necessity of life, it says that liquor shall pay and cloth go free.

Mr. JOHNSON. The United States looks upon it in this way, that when a man has engaged in the business or proposes to engage in the business and pays the tax which the Congress of the United States has levied against it, then he can engage in it without being interrupted by the Federal Government.

Mr. HAMILL. The United States does the same thing with the tobacco business.

Mr. BURKE. Is that granting him a permit for business?

Mr. HAMILL. The tobacco business—

Mr. JOHNSON. We will get nowhere in this, because, as I repeat, the naked situation is that the United States Government does not license the sale of liquor.

Mr. HAMILL. I admit that; but I think the point we differ on is that you seem to hold that the imposition of a tax is the penalization of a business.

Mr. JOHNSON. What is it, if it is not?

Mr. HAMILL. It is far from it. The United States Government imposes a tax on goods that come in from foreign countries. Is that a proof of penalizing?

Mr. JOHNSON. At the same time, they impose a tax upon the man who sells whisky. Naturally, the United States Government then

recognizes them as in the same class. The United States Government takes a tax on luxuries just the same as if it imposed a head tax, a tax against a man for living. That would not say that it penalized life. I do not think they are parallel cases, at all.

Mr. BURKE. It is 12 o'clock now, and I would suggest that unless Mr. Kidd has but very little more, the hour for adjourning has been reached.

Mr. JOHNSON. Now, I, in further commenting upon whether or not the United States Government does or does not license the sale of liquor, and about which there is no question, would say that the nearest approach, I believe, that Mr. Kidd or anybody else might make to saying that the United States Government is in the liquor business is to say that the United States Government subsidizes the liquor business in the District of Columbia in this way, that every time a license is issued in the District of Columbia the District gets \$1,500 for that license.

The District of Columbia does license the business, but the United States Government does not.

Now, to go back a little. Whenever the District of Columbia collects \$1,500 for an annual saloon license the United States Government then imposes a tax upon that same saloon of \$25. Then the United States Government, under what is known as the half-and-half law in the District of Columbia, makes the District of Columbia a present of \$1,500. Thereby the United States loses \$1,475 by each and every one of those transactions, and the District is \$3,000 the gainer by each of those transactions. Thereby the United States Government is encouraging the District of Columbia in the number of licenses which the District will issue, which I call a subsidy to the business; and I have talked with the people in the liquor business themselves, and they are not in favor of having themselves taxed in order to subsidize the liquor business in the District of Columbia, and I know that the millions and millions of people throughout the United States who are opposed to the liquor traffic are unalterably opposed to being taxed to pay this subsidy to the liquor business in the District of Columbia; and yet since the act of 1878, when this became in vogue, the people throughout the States have been compelled to contribute to this subsidy the enormous amount of ten and a quarter millions of dollars.

Mr. CARY. Mr. Chairman, Mr. Kidd has a short statement yet to make and I think we might hear him and then adjourn.

Mr. KIDD. Mr. Chairman, as the head of an organization which has a club in this city, at one time I had to pay the Government some money in order to continue my business for the club. I would not call it a license. I do not think that is the term. But, nevertheless, the Government takes the money and we do the business. The connection is very close, it strikes me.

Mr. LOBECK. And you would not have gone on with that business without paying that tax to the Government?

Mr. KIDD. We could not have done so.

Mr. LOBECK. And you would not, for your own protection?

Mr. KIDD. No; certainly not. Mr. Chairman, I am not here to paint painful pictures or to indulge in sensitized sentiment.

I wanted to present these few facts and leave it to you and your committee to draw the inevitable conclusions.

I have not even estimated the monetary losses to these humble citizens and honest artisans, though these losses doubtless would mount into the thousands.

I shall not attempt to portray the hardships awaiting 2,000 householders compelled to sever the social relations of a life-time and to wander forth seeking a chance to earn a living among strangers. These untoward results must be as apparent to you as to me.

Somehow, gentlemen, it does not seem to me to be wise statesmanship to place such a burden upon an unwilling and unoffending community as this measure would doubtless impose upon the politically helpless residents of the District of Columbia, unless they invite it by an affirmative vote in a referendum.

Mr. HILLIARD. One moment, before you leave. To whom would you refer this?

Mr. KIDD. I would refer this to all sane adult citizens or residents of the District of Columbia.

Mr. HILLIARD. Over what age?

Mr. KIDD. Twenty-one; I guess that is about the usual age.

Mr. HILLIARD. You would not make any restriction as to color or race or otherwise?

Mr. KIDD. Being a real American, I do not see how I could.

Mr. HILLIARD. That is all I wanted to find out.

Mr. LOBECK. Or sex?

Mr. KIDD. No; nor sex. My wife is as good as I am, at least.

Mr. HILLIARD. At least; yes.

(At 12 o'clock the committee adjourned until to-morrow, Friday, February 16, 1917, at 10 o'clock a. m.)

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA

HEARING

BEFORE

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

SECOND SESSION

ON

S. 1082

TO PREVENT THE MANUFACTURE AND SALE OF ALCOHOLIC
LIQUORS IN THE DISTRICT OF COLUMBIA,
AND FOR OTHER PURPOSES

FEBRUARY 16, 1917

PART 7



WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Friday, February 16, 1917.

The committee met at 10 o'clock a. m., Hon. James T. Lloyd (acting chairman) presiding.

Mr. COLUMBUS. Mr. Chairman, I would like to introduce this morning a committee from the Washington Board of Trade, our largest civic organization. Mr. Gockeler, the chairman of the committee, will be the first speaker.

Mr. MAPES. Were we not to hear a gentleman from Cincinnati first this morning?

Mr. LLOYD. He will come in following the representatives of the board of trade.

STATEMENT OF MR. C. J. GOCKELER.

Mr. GOCKELER. Mr. Chairman and gentlemen, I am chairman of the special committee on referendum appointed by the board of trade. This committee presented this resolution to the organization on January 26, 1916, at a meeting held at the New Willard Hotel in the large ballroom. The membership of the Washington Board of Trade is over 1,500, and at that meeting there were probably 650 to 700 men. It was one of the largest meetings we have ever had.

The object of the Washington Board of Trade, as almost everyone knows, is purely of a civic nature. We are working for civic betterment at all times.

Mr. MAPES. What was the vote at that meeting?

Mr. GOCKELER. I should say that it was at least two-thirds to one-third. It was not necessary to count the vote.

Mr. MAPES. Was there a standing vote?

Mr. GOCKELER. No; we had the ayes and noes.

Mr. MAPES. Just a viva voce vote?

Mr. ODELL SMITH. Yes; there was a division called and there was a standing vote.

Mr. GOCKELER. There was a division called and there was a standing vote, but it was at least two-thirds to one-third.

Mr. MAPES. Have you the vote?

Mr. GOCKELER. I have not, but there are other gentlemen here who were present, and they will substantiate what I have said. This resolution reads:

WASHINGTON BOARD OF TRADE.

Whereas the effectiveness and value of a law prohibiting the liquor traffic are measured by the strength of the local public sentiment back of such law to compel its enforcement; and

Whereas it is not the purpose of the Washington Board of Trade, by this resolution, to put itself upon record as either favoring or opposing the adoption of such a law: Now, therefore, in view of the principle involved and the importance of this question to the community at large, be it

Resolved by the Washington Board of Trade, That Congress be requested to authorize a referendum vote of the residents of the District of Columbia to determine whether the community favors absolute prohibition of the liquor traffic or its stringent regulation under a high-license system with small zones of sectional prohibition, in development of the system provided by existing law.

Mr. WILSON. Was this referendum proposition ever agitated before the present time?

Mr. GOCKELER. Yes; I think Mr. Davis brought that out.

Mr. WILSON. I do not mean that; I mean in former years, on other questions than this.

Mr. GOCKELER. In the board of trade?

Mr. WILSON. Anywhere.

Mr. GOCKELER. Anywhere? Well, yes. In the District we had a referendum vote at one time; I think in 1866, unless I am mistaken.

Mr. WILSON. I mean in recent years.

Mr. GOCKELER. In recent years?

Mr. WILSON. Yes.

Mr. GOCKELER. No.

Mr. VINSON. On the important subject of taxation no effort has ever been made to have a referendum vote by any civic organization here, has there?

Mr. GOCKELER. On the subject of taxation, I am not able to say. Congress has generally met our views; when we have come over here they have generally met our views, and it has not been necessary to go that far.

Mr. MAPES. Is it a question of referendum in this case, or is it a question of whether or not Congress will meet your views?

Mr. GOCKELER. No. I stated it very clearly, that I am speaking for the Washington Board of Trade. That is not a personal statement. I stated clearly in the beginning, and I state again, that this is purely a referendum resolution without their going on record for or against prohibition. Now, we feel that the people of Washington should have a voice in this matter, as well as other matters that will be referred to by Mr. Odell Smith, whom I am going to call on to follow me.

Mr. VINSON. Then you speak only for a referendum?

Mr. GOCKELER. On behalf of my organization. We feel that this is the first step towards the franchise. That is what we have in mind, that this agitation will ultimately bring to a vote.

Mr. LLOYD. You said that the meeting was in the large ball room at the Willard Hotel. It was in the small ball room, and the banquet, or supper, following, was in the large room.

Mr. GOCKELER. I stand corrected. Mr. Lloyd was there. Mr. Lloyd, you will agree that it was a large and enthusiastic meeting?

Mr. LLOYD. It was a very well-attended meeting.

Mr. HAMILL. There is no doubt that the people will be perfectly willing to have a referendum on a taxation matter?

Mr. GOCKELER. I think they want a referendum on all matters.

Mr. VINSON. You mean, meeting their views?

Mr. GOCKELER. I would not put it that way.

Mr. VINSON. Is not that what you stated? You said that you gentlemen wanted a referendum on the taxation question, but not on the half and half, because it was agreeing with your views.

Mr. GOCKELER. No; I said it was not necessary to ask a referendum because Congress had always met the views of the District.

Mr. HAMILL. As a matter of fact, a referendum would be practically giving the people of Washington the right to fix their own taxes, would it not?

Mr. GOCKELER. Yes.

Mr. VINSON. How do you want this referendum? Give the committee some idea what kind of a referendum you want? Do you want a right for the citizens of the city of Washington to legislate for themselves, or to have that right still vested in Congress?

Mr. GOCKELER. Now you are getting down to a question of franchise, are you not?

Mr. VINSON. I am getting down to the question you brought up, the referendum.

Mr. GOCKELER. There are different views about that. Do you want my personal views? I can not give you the views of the organization on that. They would have to give their views. I am here only on the question of referendum, and one of the stringent rules of the board of trade is that no member of the organization can bind the organization to anything unless it has been taken up by the full board, and that is what I am presenting here and nothing else, this resolution for the referendum on this question and other questions of interest to them.

Mr. MAPES. What is your view about who should vote?

Mr. GOCKELER. About this particular subject?

Mr. MAPES. About who should be allowed to vote.

Mr. GOCKELER. My personal view about that is that that should be left to the judiciary committees of Congress here. I do not know that the people of Washington here themselves should say who should vote. I think the people up here should decide that.

Mr. MAPES. Do you think that the judiciary committees should allow everybody in the District to vote, over 21 years of age, white, black, and women?

Mr. GOCKELER. Do I think they should?

Mr. MAPES. Yes.

Mr. GOCKELER. I think there should be certain restrictions.

Mr. MAPES. What restrictions?

Mr. GOCKELER. Say the restrictions used in a State like Maryland.

Mr. MAPES. What are those restrictions?

Mr. GOCKELER. I am not very familiar with them, only I know that in reading them over they seemed to fit our case.

Mr. MAPES. Would you have an educational test?

Mr. GOCKELER. Partly; yes, sir; to a certain extent. I think that is necessary in all cases.

Mr. MAPES. Would you have a property test?

Mr. GOCKELER. Now, a matter of this particular kind affects the owners of real estate, in my judgment, directly. It would mean for the time being, if we had prohibition here, that there would be any number of vacant business properties, and it probably, for a while, would affect real estate values. That might lead a person to say that there should be a property ownership qualification; but in a broad way, I think that the voting should be general.

Mr. MAPES. Do you think it should be confined to owners of real estate in the District?

Mr. GOCKELER. No; I do not.

Mr. MAPES. Would you let the women vote?

Mr. GOCKELER. You gentlemen are having trouble to decide that, are you not?

Mr. MAPES. And we are having the same trouble here in deciding on this.

Mr. GOCKELER. As far as I am concerned; yes, sir.

Mr. MAPES. If you are going to put the referendum up to us, you have got to decide all those questions.

Mr. GOCKELER. Yes; I would.

Mr. MAPES. Would you allow men who have residences in the States and are allowed to go home and vote, to vote here?

Mr. GOCKELER. I think there are a number of men who keep their residences in the States, who own property here and have been here for some time. I think that a man or a woman should be required to reside here for a certain number of years before being permitted to vote here. That would be my judgment. In other words, a stranger should not be allowed to come here, a man that did not know the conditions, and vote.

Mr. MAPES. Would you allow him to vote here and in a State, also?

Mr. GOCKELER. I can not see how that would affect anything. Of course, he could not vote on a national proposition, but on a question of this kind I can not see why he could not vote here as well as in the State.

I present this resolution to the committee. Now I would like to present Mr. Odell Smith, a member of the Washington Board of Trade.

Mr. MAPES. You referred to a referendum which was had in the District of Columbia in 1856, I think you said?

Mr. GOCKELER. Yes; I think it was in 1856.

Mr. MAPES. They voted on prohibition for the District then, did they not?

Mr. GOCKELER. I do not think so. I had that date, but, as a matter of fact, I did not expect you gentlemen to question me on that. But I remember this, that it was merely a vote to get the opinion of the people of Washington. And after all, even if the people of Washington should decide for or against prohibition, in my mind it would be only a recommendation to Congress.

Mr. MAPES. At that time the people of the District voted in favor of prohibition, did they not?

Mr. GOCKELER. I did not know that it was prohibition that they voted on at that time. I thought it was some other subject.

Mr. BURKE. It was on a code of laws for the District which had been prepared and was submitted to them.

Mr. GOCKELER. Yes; that is what it was. Was it not in President Jackson's time?

Mr. LLOYD. It was before Jackson.

Mr. GOCKELER. I can bring that record to you if you would like to have it, but I thought Mr. Davis presented that the other day, and that is the reason that I did not trouble to bring it up here myself.

Mr. BURKE. Mr. Davis presented it.

Mr. GOCKELER. Mr. Davis presented that matter so thoroughly that I really did not think that you would want to question me about anything of that kind.

Mr. MAPES. I did not recall that he said anything about prohibition.

Mr. GOCKELER. No; it was not. It was merely a question of the referendum, and not of prohibition.

Mr. MAPES. The question of prohibition was submitted to the people of the District.

Mr. GOCKELER. Not to my knowledge.

Mr. MAPES. I think that you will find that it was.

Mr. WILSON. Do you know that? Is that a fact?

Mr. MAPES. Yes.

STATEMENT OF MR. ODELL SMITH.

Mr. SMITH. Mr. Chairman and gentlemen, I want to emphasize the fact the Mr. Gockeler has brought out, that we come up here representing no interest, neither that of the seller, nor that of the man who wants to prohibit the sale, and you are attacking a question that has been existing from time immemorial, and we simply ask for the people of the District of Columbia exactly what you have granted to these people in your own States. That is what the people of Washington want.

The board of trade coming here and saying that they want a referendum on prohibition or that they do not want a referendum on prohibition does not mean what the people of Washington want. It simply means that that is the opinion of the board of trade. Another organization will come here and present their view to you, and that simply means their opinion. Now, in all fairness, I do not know how I would vote. Sometimes when I see liquor and the way it is used, I think I would vote against it. Sometimes when I see people that are without the right to drink, I think I would vote for it.

Mr. HILLIARD. It is according to where you are, what your opinion is?

Mr. SMITH. No, sir. You might bring up, now, the question of national prohibition. If this country goes for prohibition nationally, let the people of Washington have the same right to say whether they want it or not that each individual State has.

Now, some of my prohibition friends are afraid that if we get the referendum vote we are going to pack the ballot boxes here with the colored population from other States. My good friend from Georgia knows how much truth there is in that, because he comes from a State where the negro population is much larger in proportion to the total population than it is in the District of Columbia.

Mr. VINSON. In Georgia it was submitted to the legislature of the State.

Mr. SMITH. Did not the people of Georgia vote on local option?

Mr. VINSON. The people of Georgia never voted on the general proposition of the State going dry.

Mr. SMITH. But as a practical matter, Georgia, years ago, practically voted on local option?

Mr. VINSON. Yes; and there was a great deal of protest——

Mr. SMITH. But the electorate represented the people, so that the people of Georgia had a vote on the proposition.

Mr. VINSON. The people of Georgia never had a vote on the proposition.

Mr. SMITH. Evidently the sentiment of Georgia was so strong in favor of the proposition that when the legislature voted for prohibition, they expressed something that there was no doubt about.

Mr. VINSON. Yes; like the Senate yesterday. The country is so strong in the sentiment against advertisements of liquor that the Senate prohibited the transmission of advertisements in the newspapers through the mails into dry States; and it was the same way on that question with the people of Georgia.

Mr. CARY. The States voted for those Senators.

Mr. VINSON. Not on that question. It was never submitted to the people. The prohibition proposition was submitted to the legislature but was never submitted to the people of the State of Georgia.

Mr. HAMILL. These gentlemen were legislating for people who had put them in office by ballot; but the people of the District have only the right of petition. Now, have the people of the District by petition to Congress, which is the only right they have got, ever asked for prohibition?

Mr. VINSON. A good many have. A good many have not.

Mr. HAMILL. Now, have they? The District ought to have a referendum or some way of finding out.

Mr. SMITH. Gentlemen, I submit it is a question that comes down to one point. It has been argued all over, and I have no new argument to present to you. It is only a question of fairness in the proposition. Nothing else goes with it at all. The question is, will you gentlemen pass this bill without asking the people of Washington whether they want it or not. In all fairness and justice, have you a right to pass a bill of that kind without knowing whether they want it or not? How can you find out whether they want it from these joint organizations that come here? You only find out the views of a small number. But if you give them the right to vote on the proposition, then you will find out what the people of the District want.

Now, I do not ask you, after you have gotten the vote, to give your opinion the same way. I simply ask you to give us the referendum so that you can find out the concensus of opinion of the Washington people; and then, as judges, act on the concensus, and if you think we are wrong, go the other way. But we are here to ask you for a referendum, in fairness and justice to the people, and the wants of the people of Washington.

Mr. LLOYD. Who, in your judgment, should be permitted to vote if it was submitted to a referendum.

Mr. SMITH. That is a pretty broad question. I think Mr. Davis outlined that. I would not narrow it down.

Mr. LLOYD. Anybody above 21 years of age and sane?

Mr. SMITH. Yes; even if they had voted in a State. It is not a question of general legislation. It is a question of what the people of Washington want in regard to the liquor traffic. I would regard as a Washingtonian, under that, anyone who has really lived here a certain length of time.

Mr. MAPES. Your argument is based wholly upon the right of the people——

Mr. SMITH. To petition.

Mr. MAPES (continuing). To express their opinion—to vote?

Mr. SMITH. Yes.

Mr. MAPES. Now, it is your judgment, I suppose, that the people of the District should have a legislative body?

Mr. SMITH. No, sir; I would only go this far in answer to that question. I would very seriously like to see the people of the District have the right to vote for the President of the United States, and have representation in Congress; but I would not like local self-government.

Mr. MAPES. You would want to change the theory of the Constitution?

Mr. SMITH. No, sir; I do not think the theory of the Constitution ever desired to keep the people of Washington noncitizens of this great country. It did, however, in my judgment, want to keep the 10 miles square, wherever the capital of the Nation should be, exclusively under the jurisdiction of Congress, but it did not want to say that in the making of the laws the people of the District should not have any say or representation. I do not believe from the arguments when the Constitution was put in effect, that the intention ever was that we should be noncitizens for all time, so far as the General Government was concerned.

Mr. MAPES. What is your business?

Mr. SMITH. I am connected in several. I am secretary and treasurer of the Norfolk & Washington Steamboat Co., and I have been in the real estate business, in a small way, for about 25 or 30 years or more, and also I am connected with a building and loan association.

Mr. MAPES. Who presented this resolution to the board of trade?

Mr. SMITH. I happened to be, I think, a member of that committee. It was presented to the board of directors, and at the time it was presented to the board of directors first I think there were some 20 or 30 members there—the records would show—and almost unanimously the directors——

Mr. MAPES. Who brought it up first to the board of directors?

Mr. SMITH. If I mistake not, I think Mr. Gockeler.

Mr. GOCKELER. Mr. Theodore W. Noyes and myself.

Mr. MAPES. Mr. Noyes is in favor of going further than you are?

Mr. SMITH. I think not, sir. So far as giving the people of the District representation in the Congress I think he would be. I do not think he wants local self-government at all; only representation in the Houses of Congress.

Mr. LLOYD. I believe it is understood that Mr. Hughes is to appear this morning, and he is here, and we will hear him now.

Mr. CROSSER. There is a gentleman here from Cincinnati who wants to be heard.

Mr. LLOYD. Is there a man here from Cincinnati, Ohio?

Mr. COLUMBUS. Mr. Hughes is here to-day and he wants very much to leave, and we would like for him to be heard now.

Mr. LLOYD. Very well. Mr. Hughes, proceed.

STATEMENT OF MR. ANDREW C. HUGHES, GENERAL PRESIDENT OF THE COOPERS' INTERNATIONAL UNION OF AMERICA.

Mr. LLOYD. What kind of a union is the Coopers' International Union of America?

Mr. HUGHES. It is a trade union.

Mr. LLOYD. Of coopers?

Mr. HUGHES. Of coopers.

Mr. TINKHAM. What is the membership of it?

Mr. HUGHES. Twenty thousand men.

Mr. TINKHAM. How many different separate unions and subunions are there?

Mr. HUGHES. We have in the neighborhood of 240 local unions, located in about 160 cities in the United States and within the boundaries of 26 States of the Union.

Mr. LLOYD. Are you requested by this union to appear in behalf of the position you take?

Mr. HUGHES. I am, sir.

Mr. VINSON. By the local union?

Mr. HUGHES. By the orders of my colleagues of the general executive board.

Mr. HAMILL. Just tell us how it came about that you were requested to appear here; what the procedure was.

Mr. HUGHES. Yes, sir. At the last convention of my international union, held in San Francisco in September, 1915, I brought to the attention of that convention the serious menace that was threatening our industry throughout this country by the wholesale passage of prohibitory laws that vitally, directly affected the right to live and the right to work of the coopers who are members of my international union.

Mr. HAMILL. That was at what convention?

Mr. HUGHES. At a general convention of the Coopers' International Union held in San Francisco in September, 1915.

Mr. HAMILL. All right.

Mr. HUGHES. At that convention, Mr. Chairman and gentlemen, the recommendations that I made to that convention were unanimously adopted, and the general officers, this executive board of which I am the executive officer, were instructed at all times where this menace threatened our industry to delegate some one of our board, or if that could not be done, some member of our organization, to appear before our legislative bodies and remonstrate and protest against the passage of sumptuary laws that meant the death knell for the many thousands of men who from time immemorial, from the time the barrel was created and made, had been engaged in this manufacture.

Mr. LLOYD. Do you make any barrels except whisky or liquor barrels?

Mr. HUGHES. Yes.

Mr. LLOYD. How many of your people are engaged in the manufacture of that class of barrels?

Mr. HUGHES. About 60 per cent of our membership, sir.

Mr. LLOYD. That would be about 12,000 people in the United States?

Mr. HUGHES. Yes. We manufacture beer barrels, whisky barrels, wine barrels, brandy barrels, sugar barrels, pork barrels, ship casks, casks for breweries, fermenting tubs for breweries, water reservoirs, roofage tanks, and sprinklers.

Mr. VINSON. You do not make any water wagons?

Mr. HUGHES. Water reservoirs. We do make water barrels, too.

Mr. HILLIARD. You do not make the pork barrels for Congress, do you? [Laughter.]

Mr. HUGHES. No, sir; we have not arrived at that power yet.

Mr. LLOYD. As I understand your position, the position of your union, you are opposed to prohibition or local option anywhere in the United States?

Mr. HUGHES. We are not opposed to local option. We are emphatically in favor of local option, and we do oppose prohibition.

Mr. LLOYD. Is not local option prohibition?

Mr. HUGHES. Congressman Tinkham, my own representative here—

Mr. HAMILL. And a very good representative.

Mr. HUGHES. I agree with you, sir—clearly defined it yesterday, I think. The law that governs my State, Massachusetts, is a local option law, or if you might call it so, a home-rule bill, that gives the privilege to every citizen of every town and city in the State of Massachusetts to vote yearly on the license question.

Mr. MAPES. May I ask you a question there?

Mr. HUGHES. Yes.

Mr. MAPES. In giving the action of the convention in California in 1915, and the resolution that was passed, you in terms say anything about prohibition. Was that term used in the resolution?

Mr. HUGHES. It was, sir.

Mr. MAPES. And your convention adopted the resolution especially opposing prohibition.

Mr. HUGHES. My convention unanimously adopted my recommendations, by a vote of the committee, and a unanimous concurrence of the delegates on the floor of that convention.

Mr. MAPES. Your recommendation was to oppose prohibition wherever it was suggested?

Mr. HUGHES. Yes.

Mr. HAMILL. But you welcomed local option?

Mr. HUGHES. Yes.

Mr. HAMILL. That was in the recommendation to the convention?

Mr. HUGHES. The right of home rule; the right of the voter to have his say, and then that voter to be subject to the will of the majority.

Mr. HAMILL. That was in your recommendation to the convention?

Mr. HUGHES. Yes.

Mr. HAMILL. And it was that recommendation, along with the rest, that the convention unanimously adopted?

Mr. HUGHES. Yes.

Mr. HILLIARD. Then you are not so much opposed to prohibition as to the method by which it is brought about?

Mr. HUGHES. I am absolutely opposed to prohibition because I believe it is sumptuary legislation. I do not believe that prohibition is a political question.

Mr. LLOYD. What is the difference between submitting prohibition to a State and submitting it to a county?

Mr. HUGHES. The difference is very great. It is not fair. I am not a believer in county option. I have seen the fallacies of it. I have been a general officer of my international union for the past 14 years, and, of course, this question has been uppermost in my mind during all that time, and I have seen the ravages that have taken place in my trade where thousands and thousands of my men, my brothers, my fellow workers, have been obliged to take their tools and seek green fields and pastures new.

Mr. LLOYD. I want to ask you this question—

Mr. HUGHES. I am answering your question, if you will allow me.

Mr. LLOYD. I want to ask you this question—

Mr. HUGHES. You have asked me a question and I am answering it. You asked me what was the difference between State option and county option, did you not?

Mr. LLOYD. Oh, yes. Go on.

Mr. HUGHES. The difference between county and local option is this: In county option there may be an innumerable number of small towns surrounding a large city. Taking the aggregate vote of that particular county, the surrounding towns—take Hamilton County in Ohio, for instance, where there are an innumerable number of small towns that are allowed to vote upon the question which will influence the morality of the city of Cincinnati. The rural districts, to the detriment of the city of Cincinnati, a tremendous, great, and progressive city, can by such legislation close the saloons in Cincinnati against the wishes, perhaps, of a large majority of its citizens.

Mr. LLOYD. That is possible in Hamilton County, is it?

Mr. HUGHES. I do not say that it is. I say that I use that as an illustration.

Mr. LLOYD. You make that illustration; and you oppose the small towns in the suburbs of a city having anything to do with the legislation for the whole country?

Mr. HUGHES. I absolutely believe that on local option in small towns they will vote just the same in your State, Mr. Congressman, as the small town votes in the State of Massachusetts, one of the most progressive and broadest States in the Union, if you will pardon me for saying it.

Mr. HAMILL. What would you take as the unit?

Mr. HUGHES. The city or the town.

Mr. LLOYD. I will ask you this question.

Mr. HUGHES. Yes.

Mr. LLOYD. It has been argued here that prohibition does not prohibit, and that under prohibition there is a greater amount of inoxicants sold than there is without prohibition.

Mr. HUGHES. That is true.

Mr. LLOYD. Now, if that were true—

Mr. HUGHES. I believe that is true. I know it is true.

Mr. LLOYD. Then why do you oppose it? You would use just as many barrels with prohibition as without.

Mr. HUGHES. No, sir; we do not. I want to answer your question, Mr. Chairman, by citing to you and your honorable members a little instance and happening that occurred to me a few months ago in your famously dry State of Kansas. I will say for your information, gentlemen, that the headquarters of my international union is located in dry Kansas, in Kansas City. On one of my necessary visits to the general office—my office is in Boston and our general office is in Kansas City, and I am obliged to go there quite frequently—on one of my visits to Kansas City a gentleman came into my office, Judge Brady, of Wyandotte County, and during the conversation this question that I have so studiously, with my limited activity, been endeavoring to get under all these years, came up, and I said to him, "How is it, Judge, that you are obliged to hold a night session of the court in this famous dry city of Kansas City, Kans., in order to dispose of drunks in a dry city?" He said, "I will tell you, Mr. Hughes. Kindly accept my invitation to attend the next Friday night session; come down to the court and sit on the bench with me." It was the first time that I ever had the honor of securing such a distinguished privilege. There, during that session of the court, I will say at least 8 or 10 cases for drunkenness were tried before his honor and disposed of. How did that come about?

Mr. LLOYD. Is it not very reasonable to suppose that they went across to Kansas City, Mo., where there was no trouble to get it?

Mr. HUGHES. Yes; but the funny part of it is, Mr. Chairman, that in the open day they did not do it like the bootleggers do it; they did not put it in their boots or hide it in their clothes, but they took an open wine demijohn that you could see through, that was transparent, and that when it was originally bought was full of the stuff; and they went over there and filled that up with beer or whatever other liquor they wanted, and incidentally perhaps filled up their other one, too, and crossed that viaduct back to Kansas City, Kans., to their homes, in the view of the citizens of Kansas City, Kans., unmolested.

Mr. MAPES. Would not your proposition of dividing it up into the right to decide this matter in the small communities just simply aggravate that condition?

Mr. HUGHES. I do not believe that it would.

Mr. VINSON. Then you are in favor of the large city telling the other cities in the county what is to be done?

Mr. HUGHES. I am absolutely not in favor of any such thing. I did not make that statement.

Mr. VINSON. You did make the statement that you were opposed to the small towns telling the city what should be done.

Mr. HUGHES. I am in favor of the small town transacting its own business, as well as the large one.

Mr. MAPES. It might be interesting for you to know that Michigan submitted the question of prohibition and the question of giving each local community the right to decide for itself to a vote this last fall, and prohibition carried in the State by 69,000, I believe, and the vote on the local community proposition was defeated by a tremendously overwhelmingly majority, something like 200,000, I believe.

Mr. CARY. I would like to ask the gentleman this: The State of Missouri is supposed to be a dry State?

Mr. HUGHES. Yes; it is hollered out from the hilltops all over the United States, the same as the State of Maine, which I hope to get a crack at later on.

Mr. CARY. In the Washington Post of February 11 was an article stating that in the State of Kansas they saw fit to introduce an anti-treating bill. It proves again what I have said, that prohibition does not prohibit.

Mr. BURKE. This antitreating bill. What is the purpose of that; to prevent treating to ice cream?

Mr. VINSON. Yes, and coca cola.

Mr. CARY. And Peruna, too, I suppose. I do not know.

Mr. HILLIARD. You remember, too, that Kansas City, Mo., voted dry last fall?

Mr. HUGHES. Yes, sir; Kansas City, Mo?

Mr. HILLIARD. Yes.

Mr. HUGHES. That is the county.

Mr. HILLIARD. Jackson County?

Mr. HUGHES. Jackson County. But Kansas City, Mo., I do not remember. I am not quite sure.

Mr. HILLIARD. But the State voted wet?

Mr. HUGHES. The State voted wet.

Mr. HILLIARD. Do you think that Kansas City ought to be dry, notwithstanding that the State voted wet?

Mr. HUGHES. I believe that if Kansas City had voted dry, the citizens should have conformed to the will of the majority.

Mr. HILLIARD. Then, as a matter of fact, if it did vote dry, you think it ought to be dry, notwithstanding the fact that the county is wet?

Mr. HUGHES. That occurred in one of the most progressive States of the Union, as I said before—Massachusetts.

Mr. HILLIARD. You would be in favor of it?

Mr. HUGHES. I am absolutely in favor of home rule and local option. Each town and city of this country should have the right to vote upon the local question.

Mr. VINSON. What about the people who live outside of the cities? How are you going to recognize their wishes?

Mr. TINKHAM. Let the township vote, or their county?

Mr. VINSON. Now, wait a minute. Let him answer.

Mr. HUGHES. The local government that rules over that particular part of the dominion certainly should allow the privilege to its citizens, let there be one inhabitant or 2,000. We have a little town—Mr. Tinkham, what is the number of inhabitants of Hull?

Mr. TINKHAM. I do not think it is over 1,200. It is not 1,200.

Mr. HUGHES. That little town there, just the same as the largest city in Massachusetts, has the privilege yearly of voting on the license question.

Mr. HILLIARD. Is your position on prohibition a result of study of the conditions, or a result of your interest in your brothers in the cooperage business?

Mr. HUGHES. It is the result of a study of conditions. I desire to say at this time that I have noted, during the hearings of this body, a kindly desire on the part of your distinguished chairman to get the ideas of workingmen from another side of this question; that he does not believe that it a political one; and I, as one workingman, a union

man and one who has had a varied experience in this question, because I have suffered myself under it, found it became necessary for me to study that question, and when I thought—perhaps I made a grievous error—that I knew some parts of it, I have spoken publicly in different sections of this country on the matter. I also am an associate editor of this trades paper that we publish monthly for the education and edification of members of the Coopers International Union. During a period of time past, off and on, I have submitted my views on this question to the members of my organization; I have also addressed the citizens; and I desire at this time, Mr. Chairman, and in order that it may be understood in questions that you may desire to put to me, to read an address that I delivered in Faneuil Hall in Boston on August 29, 1915.

Mr. VINSON. I suggest to the gentleman that he just file it in the record and give us his testimony.

Mr. HUGHES. I would like, in order to bring this matter to the attention of this committee, to read this. I understand there has been a raft of stuff allowed by the committee to go into the record from the other side.

Mr. LLOYD. Articles have been allowed to be read on both sides.

Mr. VINSON. All right. I withdraw it.

Mr. HUGHES. I wish to read from an address that I delivered in Faneuil Hall, Boston, on August 29, 1915. At that time I was the president of the Trades Union Liberty League of Massachusetts. Also I held the position in my trades union that I do at the present time.

Mr. LLOYD. Before you begin that, may I ask you this question: Are you either directly or indirectly interested in the sale of intoxicants in any way?

Mr. HUGHES. Absolutely not a cent, nor none of the members of my organization. We have nothing to do with the selling of liquor.

Mr. LLOYD. Are you directly or indirectly employed in the liquor interests, in any way?

Mr. HUGHES. Yes; we are manufacturing their barrels. We are employed, directly.

Mr. LLOYD. I meant, are you either directly or indirectly employed by the liquor interests to make addresses?

Mr. HUGHES. Oh, no.

Mr. LLOYD. To any civic bodies, anywhere?

Mr. HUGHES. I receive my salary from my international union. No other moneys do I receive.

Mr. TINKHAM. You are not paid for coming here, are you?

Mr. HUGHES. I am paid by my international union. If I was not here I would be in Jersey City, averting a strike.

Mr. TINKHAM. You regard this as a part of your duty?

Mr. HUGHES. Yes.

Mr. TINKHAM. For your general salary?

Mr. HUGHES. Yes.

Mr. HAMILL. And you do not get anything extra for coming here?

Mr. HUGHES. Not a cent.

Mr. HAMILL. It is all in your yearly salary?

Mr. HUGHES. That is all.

Mr. MAPES. Your paper that you publish has more beer and whisky advertising than any other one class of advertising, does it not [indicating pamphlet]?

Mr. HUGHES. Yes, because we manufacture the barrels that that goes into.

This is an address that, as I said, I delivered in Faneuil Hall in Boston in August, 1915. I have other writings that I desire to submit, that I have given to the members of my international union to read, and that have been upheld and indorsed by them. [Reading:]

THE RIGHT OF PERSONAL LIBERTY WITHIN THE LAW.

The Trades Union Liberty League of Massachusetts, under whose auspices this splendid gathering of citizens is assembled this afternoon, is an organization composed of 64 local unions that are engaged directly or indirectly in the liquor industry and whose charters are located in 22 cities in this Commonwealth.

They are all affiliated with the American Federation of Labor and their respective international unions.

Mr. LLOYD. You, as the president of that association, represented liquor before you were president of the coopers' union?

Mr. HUGHES. I do not represent liquor, as I have just read to you. If you will allow me to proceed—

Mr. LLOYD. I beg your pardon.

Mr. HUGHES. (Reading:)

They are all affiliated with the American Federation of Labor and their respective international unions, and in consequence are a component part of the great American labor movement, and as such are resting on a solid foundation—erecting a structure of protection that at all times can be adapted to its members by mutual concern and cooperation.

Our movement has no vagaries or fads within its ranks. All opposition to its policies, its procedures, its form of organization, and its tactics are from without. Those who would divert it from its established principles are enemies, working for the promotion of institutions that are foreign to its well-being. Those who would change it aim to its destruction.

This is true whether the antagonist be a man who believes in the right of the non-unionist to work below the union scale of wages alongside of the unionist; or the big captain of industry who refuses the right to his workmen to organize; or the man who crusades against a legalized, respectable industry and denies the right of labor to live, to personal liberty and property rights, or through misrepresentation and falsehood would cause legislation to be enacted that would throw out of employment nearly 2,000,000 of wage earners in our country, bring misery and want to their homes, deprive our Government, through loss of revenue, of nearly \$350,000,000, and legally confiscate property to the extent of \$700,000,000 of invested capital.

Organized labor in America has awakened to the danger which threatens the workers as a result of the fanatical campaign waged by the prohibitionists, which in several States has wiped out many of our healthiest and most prosperous unions, and thousands of men have been thrown out of employment and sent jobless over our land on an already overcrowded labor market.

In 16 States of our country we have established trades-union liberty leagues that are opposed to further tampering with State or municipal liquor laws.

Mr. LLOYD. Those States are opposed to local option?

Mr. HUGHES. Those States have gone dry?

Mr. LLOYD. I say those States are opposed to local option?

Mr. HUGHES. Those are the States that had voted dry at that time. There have more gone since. [Reading:]

In 16 States of our country we have established trades-union liberty leagues that are opposed to further tampering with State or municipal liquor laws that have for their purpose the closing of such establishments and the prevention of making and selling the products of breweries, distilleries, and vineyards.

The members of these organizations and those about to be organized will decline to vote for or aid in any manner any party or candidate for office who purpose the restricting of personal liberty or putting out of employment citizens engaged directly or indirectly in the industry.

We are told by the prohibitionists and Anti-Saloon League that their propaganda is good for the worker—that we need a guardian to elevate and improve our condition through the enactment of puritanical blue laws. The fact is that the trade-union movement, through organizations, has done more to improve the morals of the men who toil with their hands than all the blue laws that ever have been enacted or ever will be. Organized labor owes nothing to the prohibitionists or Anti-Saloon League.

Who ever heard of a prohibition convention raising its voice in the Halls of Congress or our legislative bodies, protesting against child labor, long hours of toil for women working in our mills and factories, or safety devices and sanitary conditions in our workshops, or registering a protest against the brutality that exists in the mines of Colorado as recently exposed by the National Industrial Commission that was appointed by the President of our Nation?

Mr. LLOYD. You think these people are less humane than you are?
Mr. HUGHES. I do. [Continuing reading:]

Contrast this with the labor organizations of this country that have kept their men before every legislative body in America to plead for legislation to protect the child and the playground, the living and the morals of the working woman, the man, and the family wage.

The Anti-Saloon League boasts of having deprived 18,000 men of their livelihood last year, which means that their property was confiscated and employment taken from approximately 90,000 employees, all of whom were made to suffer in consequence, many being left absolutely destitute, their children in want, because the law carried no obligation.

Fresh in the public mind are instances where great companies, notably the Standard Oil Co. and the Yellow Pine Co., were heavily fined and ousted from one of our Western States for violating the antitrust law, but their fines have been remitted and they have been allowed to resume operation—not because they are guiltless, but because the closing of their plants meant loss of employment to thousands of people. On the other hand, the brewers and distillers have not been found guilty of violating the law, but for an alleged moral purpose their legal and legitimate institutions have been closed by law and their employees cast adrift. In the first instance justice has been defeated and, in the second, injustice extolled.

The Trades Union Liberty League of Massachusetts believes that a law which sacrifices the rights of one party or class to those of another is unjust and tyrannical and does not strictly oblige in justice. A law is just when it does not unduly restrict individual liberty, nor impose a heavier burden than the common welfare requires. Not everything that the law decrees is therefore right, since it is only the defender, not the maker of rights.

The declarations of the prohibitionists and the Anti-Saloon League, their purposes, and what they have up their sleeves, are not feared by the citizens and members of organized labor in Massachusetts. We as law abiding sons and daughters have nothing in common with an institution that stands for confiscation of property, disruption of legalized industry, or the pauperizing of its taxpayers and its workers.

We believe in home rule and local option and declare that it is impossible to enforce prohibition in any community where the weight of public opinion is not against the legitimate sale of liquor. Operative local option and enforced prohibition have both been tested in Massachusetts and the results are contrastingly in favor of local option as the nearest approach to prohibition that prohibits. The fanatics who act on the assumption that it is one man's right to regulate another man's drink, one community's right to dictate to another community its sumptuary laws—recognize no boundary line of cities or towns.

Mr. FOCHT. Suppose the people of a State vote dry?

Mr. HUGHES. Yes.

Mr. FOCHT. Should they not have a right to test out whether prohibition prohibits?

Mr. HUGHES. Yes. But usually they find that prohibition, after they have voted it dry, does not prohibit.

Mr. FOCHT. Do you think local option is at all effective where one county is dry and another county is wet?

Mr. HUGHES. I certainly believe local option is effective.

Mr. FOCHT. Where did you ever see a demonstration of its effectiveness made?

Mr. HUGHES. In my own city, Boston.

Mr. FOCHT. Do you believe that local option is effective where one town is dry and another adjoining town is wet?

Mr. HUGHES. The same condition prevails in my own city. [Continuing reading:]

In the prosecution of their plans everything else is subordinated whether of individual freedom or political principle.

We know of no better system of dealing with the liquor traffic than exists in Massachusetts to-day, and no section of our country where peace and order are better maintained, or one in which the moral standards are higher. But this does not satisfy the self-called reformers. We are informed that our cities are to be visited this fall by them and a campaign is to be waged against home rule and local option and in favor of a constitutional amendment favoring State-wide prohibition.

Are the citizens of our commonwealth going to confess that they lack the self-control to use liquor properly and surrender the great principle of local self-government to our State legislative body? This doctrine was carried to excess in the South, where the States were unduly magnified at the expense of the Nation. To extend slavery the South evolved a theory of State sovereignty which led to secession and war. Just as dangerous to the State is the principle that our cities and towns may be classed as mere localities and that all power and responsibility must be centered in the State government.

We believe that temperate people will never come from prohibition—from the attempt of the minority to coerce a majority of the people. The truly temperate man is the man who controls himself, not the man who is controlled by somebody else—not the man compelled by a law-making minority to do what he ought to do.

Clearly our duty then as members of a trade-union is individual—it lies in organized effort to reach the man who is defective, first by moral remedies to release the weakened will from bondage, and secondly, by the strengthening of will to the point where it reaches self-control.

The trades-unions are doing this.

In declaring our opposition to national and State prohibition and in favor of home rule and local option for our cities and towns we take this opportunity to be thoroughly understood—we favor the supervision and control of saloons and all places where liquor is sold, by officials, and we demand complete recognition of the just demands of organized labor working at the different crafts, and who are members of a trade-union.

On the other hand—

The prohibitionist and Anti-Saloon League, not only refuse support, but actively and bitterly fight against every plan of excise reform that does not go to their extreme—it must be abolition or nothing; their motto is rule or ruin. The disreputable saloon is far more to their liking than the decent saloon, for the more disreputable the saloon, the more ammunition they have for their campaign.

Mr. LLOYD. Do you mean really that the good people of the churches have that view?

Mr. HUGHES. Many good people.

Mr. VINSON. I did not hear the chairman's question.

Mr. LLOYD. I say, you do not believe that the church people—good people in the country—have any such view as that?

Mr. HUGHES. You must qualify that statement about the church. I know some churches are in favor of prohibition, but I belong to an institution that was established 2,000 years ago, called a church, and looking down the ages I have never found—

Mr. LLOYD. I am not asking you about that. I meant the communities.

Mr. HUGHES. You mentioned churches, Mr. Chairman.

Mr. LLOYD. The representatives of the churches hold the other view from that which you express. You are making a serious indictment against those who do not have the same view that you have.

Mr. HUGHES. I take it, Mr. Chairman, that I am answering, or making an indictment, if you please, similar and along the lines that are thrown out on the other side of the question.

Mr. LLOYD. That would not justify you. If they said something about your side of the case that should not be said, that does not warrant you in saying something of them that is not true of them.

Mr. HUGHES. Well, in some cases I think the statement herein contained correct.

Mr. LLOYD. Oh, unquestionably in some cases, but you make it apply to all there. You do not make any exceptions.

Mr. FOCHT. Do I understand your position to be this—that there are folks in the churches and the Y. M. C. A. who base their opposition to rum on the admonition of the Master, while you claim there is no such admonition from Him? Is that the idea?

Mr. HUGHES. Yes, sir; exactly. [Reading:]

There could be no truer gauge for organized labor and the public generally to go by than to view the attitude of men whose capital and reputation are invested in the brewery industry of our State.

There are 31 breweries licensed in our Commonwealth—the owners are all members of the United States Brewers' Association. The capitalization is something over \$23,000,000, according to the twenty-seventh annual report of the Bureau of Statistics. The value of output yearly is over \$9,000,000 and the Government receives, by internal revenue, \$1.50 on every barrel of this output, the cities receive a property tax according to property valuation, the men employed constitute 100 per cent trade-union crew, and the wages paid average \$965.06 per man per year—the highest percentage of wages paid by any industry in the Commonwealth.

Trade-union agreements are biennially negotiated, no strikes have occurred in 14 years, no craftsman of any trade is employed who is not a member of his trade union, and the conditions enjoyed by the men are the result of mutual and appreciative agreement. All workmen employed must be citizens and voters, which number about 40,000, employed in the breweries and saloons in the Commonwealth. In the interest of temperance and in answer to public expressions appearing in the press recently, why not turn the superfluous light that now floods the saloons into the two machine shops at Hyde Park that are operated by Mr. Foss—a candidate for governor on a prohibition platform where three strikes have occurred during the past three years—where noncitizens are employed, where the average percentage of wage does not reach \$500 per year, and where the trade union is not recognized but is advised to adopt prohibition and economy to better itself?

The trades-unions of this Commonwealth have not forgotten his veto on the "peaceful persuasion bill," that was intended to give strikers the right peacefully to persuade strike breakers not to take jobs—his opposition to shorter hours for women and children by allowing the bill to become a law without his signature as governor, nor the bill which would grant the Suffolk Law School the right to confer degrees on night students—sons of the workingmen who desire to study law, after he had intimated to Dean Archer that he would sign it. In a public statement later Dean Archer said: "I was guileless enough to believe that no human being could be guilty of such hypocrisy." On March 28, 1915, the Boston Herald said: "That he will probably learn that it pays in the long run to play the game squarely."

Shall an acrobatic politician who suddenly gets hold of a sentimental issue be allowed to run his course of political excess and through hatred of the trade-union movement wipe out of existence 64 local unions in this Commonwealth and destroy the moral, industrial, and religious effect stamped upon the public mind in 22 cities of our beloved State?

Here in grand old Boston—the shrine of American liberty—here in Faneuil Hall, whose sacred walls speak with holy eloquence of its bravest and revered men crying out for liberty and for independence—in this atmosphere where men fought and died that others might enjoy the privileges and rights denied them—it is in keeping with its traditions and memories of its surroundings that representatives of the toiling masses of our State assemble on this Sabbath day and declare in public protest that our legalized industries shall not be disturbed, our State shall not be driven into a home for dives and speak-easies, our citizens shall not be made hypocrites by law, nor our workers be deprived of that right which paramounts all others—the right of personal liberty within the law.

I want to say, Mr. Chairman and gentlemen of the committee, that after the meeting, or about the close of the meeting, the following resolution was passed at that overcrowded meeting in Faneuil Ha^g

that day, which I would desire to put into the record of this hearing, with your permission, sir. The resolution is as follows:

Whereas the Trades Union Liberty League of Massachusetts, composed of trade-unions affiliated with their international unions, who are affiliated with the American Federation of Labor, realize that hundreds of trade-unions in this country have been wiped out of existence by the enactment of State-wide prohibition, and thousands of workingmen have been forced out of employment and compelled to leave their homes and families in their effort to secure employment; and

Whereas we as trade-unionists and citizens of this Commonwealth are opposed to State or national prohibition, which is injurious to labor and would place thousands of trade-unionists in Massachusetts out of work; and

Whereas prohibition means panic, wage reduction, hypocrisy, crime, and demoralization to the community as proven in States now living under its cowardly influence; and

Whereas the Trades Union Liberty League stands for the success and prosperity of all legalized industries, for law and order, for decency in the saloons, and for temperance in all things: Therefore be it

Resolved, That we hereby appeal to the citizens of this Commonwealth not to vote for or assist any candidate or political party who in their desire to hold political office cravenly seek the destruction of our industry by their advocating prohibition, which would repeal the law that now grants home rule and local option in our cities and towns in this Commonwealth.

The result of that election was that Gov. Foss, who had already served three years—we elect our governor annually in Massachusetts, and he was elected twice and had served three terms as governor—not being satisfied with that volume of work, ran again on the Prohibition ticket, and we trimmed him to the tune of 200,000 votes.

Mr. LLOYD. That was one of the campaign speeches?

Mr. HUGHES. That was one. He was defeated.

Mr. MAPES. I notice you say there that prohibition causes crime.

Mr. HUGHES. Yes.

Mr. MAPES. As you were reading, I looked over some statements of men from prohibition States.

Mr. HUGHES. Yes.

Mr. MAPES. Here is one from a judge of Minneapolis, Minn.:

When one considers that there were 14,164 cases of all kinds in our court in 1915, and that 90 per cent of them are merely the results of the liquor habit, one gets some idea of the damage that is worked.

Then here is one from Birmingham, Ala., from the president of the board of commissioners of that city:

The number of cases in police court per day has been reduced from an average of 60 to an average of 10. Homicides have been reduced 33 per cent, and suicides 60 per cent.

Here is one from the mayor of Seattle, Wash.:

Antisaloon law reduced police arrests 50 per cent in the first month.

Here is one from an ex-governor of North Carolina:

I say to you deliberately after 30 years' experience as an attorney and as prosecuting officer in the courts that I am firmly of the opinion that 60 per cent of the crime is directly the result of strong drink and 95 per cent is indirectly caused by indulgence in strong drink.

There is a lot of other testimony of the same kind. We have here testimony of the same kind from the Seattle, Wash., papers who fought prohibition on the ground on which you oppose it, and it is in the Congressional Record, inserted by Senator Jones, to the effect that one month prior to the adoption of prohibition in Seattle, the con-

dition of the laboring man has improved in every way and crime has decreased?

Mr. HUGHES. I want to say in contradiction——

Mr. MAPES. Here is a statement from the treasurer of the American Federation of Labor.

Mr. HUGHES. I do not take any stock in what he says. He is a notorious prohibitionist propagandist. He does not represent the views of the American Federation of Labor, and I want that to go in the record.

Mr. MAPES. I want to read this statement.

Mr. LLOYD. I want to call attention to some telegrams before we separate.

Mr. MAPES. This is more important than your telegrams.

Mr. VINSON. Let me ask you this one question. Your whole argument can be summed up in the words of the Apostle Paul——

Mr. HUGHES. If you want any Biblical quotations, I have a lot of them that I have sent out?

Mr. VINSON. When he said, "Drink no strong waters, but use a little wine for the stomach's sake."

Mr. HUGHES. That is from Timothy. I am a firm believer in that.

Mr. VINSON. That is what you want to do?

Mr. HUGHES. Yes; a little for the stomach's sake.

Mr. MAPES. I did not get into the record this statement of the treasurer of the American Federation of Labor.

He says:

The saloon keeps more people out of work all the time than prohibition would throw out of work a few days until they got other positions.

Mr. HUGHES. I want to say that the treasurer of the American Federation of Labor did not always believe in that propaganda.

Mr. LLOYD. Now, gentlemen, I want to call attention to some telegrams.

Mr. HAMILL. Just before that, I want to say this, which I think is opportune, that this reading of statements which are made up, or rather the reading of papers which nobody knows about, as to how they are made up, proves absolutely nothing, and I understand that is what Mr. Lloyd is going to continue by putting some telegrams into the record. If you want to make an old rag-bag out of the record and put anything into it, all right; but if you want to make it a repository of evidence which will really help us to come to an intelligent conclusion, all of this should be kept out.

Mr. LLOYD. I suppose that the gentleman at the other end of the table is just about as nearly correct in the position that he takes on this question as he is on what I was expecting to do. Now, if he will just wait a moment, he will see what I am trying to do. What I said applies to what Mr. Mapes said, also.

Mr. MAPES. Take your criticisms and put them on file.

Mr. LLOYD. This telegram reads:

NEW YORK, N. Y., February 14, 1917—10.15 a. m.

Hon. BEN JOHNSON,
House of Representatives, Washington, D. C.

Would respectfully request a hearing on the Sheppard District bill. Would appreciate a reply.

JOHN SULLIVAN,
Secretary Trades Union Liberty League, State of New York.

Mr. HAMILL. So long as that is a request for a hearing that is all right, but if John Sullivan expressed there for or against prohibition I would move to strike it out.

Mr. LLOYD. What would you say to do about the telegram?

Mr. HAMILL. That is a mere request to be heard, and that is proper; and he should come before us.

Mr. LLOYD. Do you want him heard or not?

Mr. HAMILL. Oh, yes; I am in favor of hearing anybody on the subject.

Mr. LLOYD. Shall we notify him that he should be here Monday?

Mr. HAMILL. Or that he should be here on Tuesday?

Mr. LLOYD. Tuesday is the last day, and that goes to the drys.

Mr. HAMILL. Yes.

Mr. HUGHES. I desire to complete my statement.

Mr. LLOYD. Let us get through with this first. We want a vote. I am informed that Mr. Sullivan is here. Is he in the room?

Mr. SULLIVAN. Yes, sir.

Mr. VINSON. We will hear him, if he is here.

Mr. LLOYD. Now, here is another telegram addressed to Mr. Hughes. How about that?

Mr. HUGHES. That is a telegram that I received from my general office last evening, urging me to go to Jersey City to-night to avert a strike.

Mr. LLOYD. Then it is not necessary to do anything with it.

Mr. HUGHES. No, sir.

Mr. LLOYD. Here is another telegram addressed to the chairman, which reads as follows:

PHILADELPHIA, PA., February 15, 1917.

HON. BENJAMIN JOHNSON,
Chairman Committee on the District of Columbia,
House Office Building, Washington, D. C.:

Would kindly request that the Glass Bottle Blowers' Association, through a representative, be given a hearing on the Sheppard prohibition bill for the District of Columbia previous to any report being made. Thanking you and your committee in advance for any favors along this line.

JOHN A. VOLL,
President Glass Bottle Blowers' Association.

Mr. HAMILL. They ought to be heard.

Mr. VINSON. Are they here?

Mr. LLOYD. Is Mr. Voll here?

Mr. CROSSER. No; he is not. I know him.

Mr. VINSON. Just a moment. Before any outsiders shall be heard, Mr. Columbus and others who are here representing organizations which are interested in the District of Columbia and are particularly interested in this, should be given an opportunity to be heard. I would like to ascertain from the parties who are here representing the District of Columbia if they have closed their case?

Mr. COLUMBUS. No; we have not closed our case.

Mr. FOCHT. Which side do you mean?

Mr. VINSON. Mr. Columbus is representing the opponents of the bill. Then I think, in fairness to the citizens of the District, they should be heard first, before any outsiders shall be heard.

Mr. LLOYD. This is true as to outsiders, that if they are to come we have to give them notice so that they can make their plans to

come here. Suppose these people be notified that they can be heard on Monday night?

Mr. VINSON. I think we certainly should hear the local interests first.

Mr. LLOYD. Can you get through to-morrow?

Mr. COLUMBUS. No; I do not think so.

Mr. LLOYD. What do you say as to their being given notice to be here Monday. Is that satisfactory to you?

Mr. COLUMBUS. That is up to the committee. I would say yes, if the committee thinks well of it.

Mr. MAPES. We have already taken action to close the hearings on Tuesday, and the last day seems to be conceded to the drys, and I suggest that the committee delegate Mr. Columbus to arrange for such hearings as the committee wants to hear from now on, and to close not later than Monday night.

Mr. LLOYD. Then shall we refer these telegrams to Mr. Columbus, who is in charge of the matter.

Mr. COLUMBUS. I am in charge, Mr. Chairman, of the referendum idea on this. I am representing the District of Columbia Referendum Association. We have had people here, as you well know, that were prohibitionists, and believers in moderate use, and all that sort of thing. We are interested, simon-pure, in the referendum idea.

Mr. VINSON. How many speakers have you had on the referendum phase? How many organizations, rather, have been heard?

Mr. COLUMBUS. Only two organizations have been heard.

Mr. VINSON. How many other organizations have you, about?

Mr. COLUMBUS. I think three or four.

Mr. VINSON. Then I move that we proceed with the organizations which are in favor of the referendum before we hear from anybody else. I move the previous question. I move that these people should not be shut out.

Mr. LLOYD. Of course we are not going to shut them out.

Mr. HAMILL. Can we not extend the time of the hearing?

Mr. VINSON. We have given the people of the District a right to be heard on the referendum phase, and they are entitled to be heard, and if now we are going to consume any more time with outsiders the people of the District are going to be precluded from being heard.

Mr. LLOYD. This is a telegram to the chairman of the committee and I am surprised that some of the people here object.

Mr. CARY. I have not objected. I think these gentlemen ought to be heard.

Mr. LLOYD. Fix the time.

Mr. CARY. Make it Tuesday.

Mr. LLOYD. Not Tuesday; Wednesday is the last day.

Mr. CARY. Make it Thursday.

Mr. HAMILL. Let us extend the hearings for a week. We want plenty of light on this subject.

Mr. VINSON. Now I have made a motion, and I insist on a vote, that the District of Columbia representatives in favor of the referendum be permitted to have a hearing first and before any outsiders are permitted to consume the time of this committee any further.

Mr. LLOYD. Those in favor of the motion will say aye.

Mr. CARY. There is one gentleman here from Cincinnati, who has been here about four days.

Mr. HILLIARD. He goes everywhere.

Mr. CARY. I do not know that you ought to shut him out.

Mr. VINSON. We will not shut him out.

Mr. LLOYD. Have you much more to say, Mr. Hughes?

Mr. HUGHES. I had an exordium to deliver.

Mr. FOCHT. All right; we would like to hear that.

Mr. VINSON. I have moved the previous question.

(The question was taken and the motion was agreed to.)

Mr. VINSON. I move that the committee adjourn.

Mr. MAPES. Mr. Hughes, may I ask you who asked you to appear before this committee?

Mr. HUGHES. I saw a public notice in the newspaper. We are alive to these issues always, and I informed my executive board of the necessity.

Mr. LLOYD. Did you make a motion to adjourn, Mr. Vinson?

Mr. VINSON. I supposed it was adjourning time.

Mr. FOCHT. I want to ask the witness a question. Mr. Mapes has asked him a question and I want to ask him one after he answers that.

Mr. HUGHES. Will you repeat the question, please?

(The pending question was read by the stenographer, as follows:)

Mr. MAPES. Mr. Hughes, may I ask you who asked you to appear before this committee?

Mr. HUGHES. Some weeks ago I noticed in the Boston Globe an announcement to the effect that the District of Columbia Committee of the House of Representatives would sit upon a prohibition bill for the District of Columbia, and I immediately got in touch with my colleagues on my general executive board, and told them of the necessity to send some one here. At the time I was in Chicago attending to a matter pertaining to my organization, and I was authorized then and at that time to proceed to Washington and appear before your committee, by authority of my general executive board, who are the Coopers' International Union, between conventions.

Mr. MAPES. Had you been in communication with anyone else except your executive board?

Mr. HUGHES. I immediately got in touch with several organizations, with the brewery workers' organization for one, and with the glass blowers' organization for another.

Mr. MAPES. Were you in communication with anyone in the District?

Mr. HUGHES. Well, in this way, Mr. Mapes. There is a lot of the cooperage that is used here in this city that is done in the city of Baltimore. There are no amount of coopers employed directly in the District of Columbia in Washington. All the cooperage work for the breweries and distilleries that they procure is bought in the cities of Baltimore; Philadelphia; Jersey City, Newark, N. J.; New York; Cincinnati; and Louisville, Ky.

Mr. MAPES. Did any District people ask you to appear before this committee?

Mr. HUGHES. Yes, my local union that I represent here. That is, I do not represent my local union, but one of my local unions of

Baltimore requested that a representative be here to defend them before this committee.

Mr. MAPES. The members of your local union in Baltimore do not live in the District?

Mr. HUGHES. If this District went dry the local union in Baltimore would go out of business.

Mr. MAPES. Did any man who resides in the District ask you to appear?

Mr. HUGHES. Well——

Mr. LLOYD. Why would they go out of business?

Mr. HUGHES. Because so much cooperage would be cut right off from the volume of trade in this country. We sell about 70,000 barrels every year in Washington.

Mr. LLOYD. According to the testimony before this committee, prohibition does not prohibit, and there would be more drank?

Mr. HUGHES. Yes; but it would not be brought into town in barrels. It would be brought in in bottles, of course, and it would hurt my trade.

Mr. LLOYD. Then it would benefit the bottle manufacturers?

Mr. HUGHES. I don't know. They bring it in in tin cans and everything else, in some States. I do not say that they would do that here, in this respectable community.

Mr. LLOYD. Now, Mr. Hughes wants to be heard in closing, and I think the committee is about ready to adjourn.

Mr. MAPES. I do not think he answered my question.

Mr. LLOYD. I thought he did.

Mr. MAPES. Did anyone in this District ask you to appear here? That is the question I asked you.

Mr. HUGHES. Yes; the secretary of the central body of the District of Columbia—of the city of Washington, Mr.——

Mr. MAPES. The central body of what?

Mr. HUGHES. The central body; that is, the Central Labor Union that is affiliated with the American Federation of Labor; the central body, the delegate body, comprising all unions.

Mr. MAPES. Did he keep you posted?

Mr. HUGHES. Just one communication. I have been here all this week.

Mr. MAPES. Did anybody else communicate with you about it?

Mr. HUGHES. No, sir.

Mr. MAPES. From the District?

Mr. HUGHES. No, sir; didn't need to. I was right on the job, myself.

Mr. VINSON. Now, if Mr. Hughes has finished, I move——

Mr. LLOYD. No; he wants to be heard in closing.

Mr. HUGHES. I will take but a few minutes. I want it thoroughly understood that in the preamble of the constitution of our Coopers International Union—there has been some discussion on the referendum clause of this bill, on the feasibility of admitting it. The American Federation of Labor and the Coopers International Union stand pledged to that cause. I would be unfair to the committee and to the citizens of this town if I did not express myself briefly upon the right of the people here in this District of Columbia to have a say-so regarding the laws that they will be obliged to live under.

The American labor movement is pledged to the principle of the referendum, which is written into the preamble of my international constitution; also the initiative; but you are not asked for that here upon this occasion.

I believe that the citizens of this community are just as intelligent as those of any other community in this country of ours, and I could never understand why the citizens here should be taxed without representation. You know the story of the Boston tea party. That was the beginning of the scrap for liberty in this country.

The good citizens of this District are entitled without any further ado to receive that privilege that the American boy is first taught at his mother's knee, and that is liberty and sovereignty. A man is not a sovereign in this city unless he has a vote in some other section of the country. We all teach our boys and our girls the great privilege and blessing that comes to the American citizen, and I fail to understand why there should be any hesitancy on the part of this honorable committee, which I do not believe there will be, to bring in, if you do bring in, an amendment to the bill tacking on the referendum. In the meantime I hope that in your report on the bill in its nakedness, you will report nonconcurrence.

Mr. HILLIARD. Just a question, there.

Mr. HUGHES. Yes.

Mr. HILLIARD. What would you say about reagitating the matter at this time that we shall have a referendum on the question of war.

Mr. HUGHES. I believe it would be a splendid thing. I do not believe in war. I hope this country will not go to war.

Mr. VINSON. Then you are an advocate of referendum on war?

Mr. HUGHES. All the way; clean through.

Mr. COLUMBUS. Are you going to continue now, Mr. Chairman?

Mr. LLOYD. Yes.

Mr. COLUMBUS. Admiral Baird will be the next speaker for the referendum.

STATEMENT OF REAR ADMIRAL GEORGE W. BAIRD, UNITED STATES NAVY (RETIRED).

Admiral BAIRD. I will not be the next speaker. As Brutus remarks, "I only say what I do know." If you will permit me, I was born in this city nearly 74 years ago. My parents were married here, and my grandparents; so that I can claim to be a native of this city. I have made my home here except when I have been absent from the country on public service.

I came here at the request of a number of members of the Cosmos Club, an eminently respectable club, which Lord Kelvin once said was the only club in the world that had an international reputation. I am not here by any action of the club; the board did not send me; but members of the club have said somebody ought to come to represent our interests, and this morning a member came for me in his car, and I am here.

I think that we ought to have the referendum on this because it is recognizing the inherent rights of man. It is very broad. Prohibition is drastic, and it is far reaching. It is establishing, I am afraid, a dangerous precedent.

If we have a man to put down, it is a great deal better to lay him down than to knock him down, and drunkenness is what we all object to. I am a temperance man in the dictionary sense.

Mr. FOCHT. I would just like to know what that is. We all may want to be in the same class with you, Admiral.

Admiral BAIRD. Temperance is that inherent right by which the body is rendered tame and governable, and the mind freed from the allurements of vice.

Mr. FOCHT. That applies to the submerging by liquid as well as by food?

Admiral BAIRD. Yes. There are more stomachs injured by over-eating than by overdrinking.

Mr. FOCHT. So all the text-books say. Pardon me for interrupting you.

Admiral BAIRD. Yes. Gentlemen, I want to call your attention to one thing, and that is that the laws can never regulate or control the craving of nature. We can modify it. I have been going to sea a good many years. I was asked by a lady once to explain a phenomenon in a city in Portugal, when English sailors were getting very drunk. She said, "Why is it that English and Russian and American sailors get drunk on brandy, and Italian and Portuguese and German sailors do not?" I said, "Well, madam, I can not answer that question, but I will find out." That was in 1867, and I have been looking it up ever since. Those nations which indulge in distilled spirits are very much more apt to get drunk than the others. The Germans get their little stomachs full of beer before they get alcohol enough to fuddle their brains. The French, and all of those others, drink light wines, and they are not drunkards.

Mr. VINSON. How about the American, who drinks all of them?

Admiral BAIRD. He does not drink them all at one time. I am very much opposed to intemperance. I have always been a temperate man. I like the privilege of a drink, although I do not always indulge.

Sitting in my club with the members, I never exceed two drinks in 24 hours. I do not want it. Perhaps I do not deserve any credit for that. There are other men who do. But more men are made drunkards by cultivation of the habit than by an inherent desire for it. But when a man has that craving for it and he can not get the stimulant he wants, he will invariably seek a substitute. You all get the reports from the Treasury Department. If you will look it up you will find that the revenue officers reported during the last fiscal year there was 112,000,000 gallons more of whisky—spirits—distilled than during the previous year, although 18 States have gone dry. But those 18 States only comprise about 14½ per cent of the population of the Republic. Some of that liquor may have gone into dry States and some of it may have been exported. But there was 5,000,000 barrels less of beer in the last fiscal year than in the year before. The amount of beer is less. Beer is less intoxicating, and it makes less drunkards, but it is more difficult to export, it is more difficult to smuggle; so that the natural inference is that the bulky beer is diminishing whereas the active whisky is being smuggled.

From the report of the chief of police of New York I find that in the Tombs the craving, the raving, of the men and women there who

have been arrested—what he calls unfortunates—from the want of opium, cocaine, heroin, hashish, and those things, is something terrible, and it was smuggled in from outside restaurants, and the chief of police says 60 per cent of these unfortunates were victims of this drug habit.

In 1912 I read in the report, I think it was in the discussion of that Harrison bill, that 75 per cent of the opium imported into this country was used for other than medicinal purposes.

Those figures, I submit, gentlemen, are significant to me. The importation of cocaine last year was 300 per cent more than it was the previous year. How much is smuggled in we can never learn, of course, but the duties were paid on that much; and it seems to me that we can do very much better than drastic prohibition.

Mr. HILLIARD. Will you pardon a question, there?

Admiral BAIRD. Yes.

Mr. HILLIARD. Do you not know that students of this matter have determined that the use of these narcotics to which you now refer are but further steps of a man who commenced by drinking alcoholic liquors?

Admiral BAIRD. No; I did not know that, and I have some doubts of it.

Mr. HILLIARD. You think men start in using opium?

Admiral BAIRD. No. Gentlemen, I have not lived here all my life. I have lived in other countries, also. Every nation seems to have its favored stimulants. Some have alcoholic stimulants, some opium, some hashish, some cocaine, and they seem all to have it. Now, take the Turk. You can not get a Turk to take a glass of wine or liquor of any kind; he will not do it. But he will take his hashish, which is more dangerous. And all those drugs are insidious. You can cure—it is possible to cure—an alcohol drunkard, but it is a most difficult thing to break a man of the habit of these insidious drugs, so that it seems to me that while we deprive them of one—well, of a dangerous drug, alcohol—they are reaching out for these others.

Now let me tell you something else, that nature is making alcohol all the time. In the South we have a great many silos. I suppose every member of this committee knows what that means. They are filled up; fodder is put in there with a little straw, and it is a nice, succulent food for the cattle all during the cold winter days. But nature begins to ferment that, and alcohol is made, the worst form of alcohol, amyl alcohol, and the colored men, poor fellows, will make a hole and put a straw in there and suck that alcohol out and drink it; and, you know, law can not stop that.

Mr. FOCHT. I want to ask you about the Cosmos Club—any club, but since you belong to the Cosmos Club and it is made up of gentlemen of a high type, and might be classed as possibly a model club of America, I ask you about that. The object of sending you here was to defend them in what, or advocate them? Was it because the liquor they sell there is a source of profit, or is it a privilege you desire to continue as a privilege, and prevent other people bothering your affairs; and exactly why do you come here?

Admiral BAIRD. That is not a source of profit, I think, in any club.

Mr. FOCHT. It has been claimed that you can not run a hotel or a club without a bar.

Admiral BAIRD. It has been claimed.

Mr. VINSON. Are you successful; could you be successful without a bar?

Admiral BAIRD. Its profits would be diminished very much, and the attraction of the club would be diminished. I love to go to the club and take a hot scotch—I enjoy it very much—or a highball, and I would think it an outrage if I was deprived of it.

Mr. FOCHT. How old are you?

Admiral BAIRD. Seventy-four, in a few months.

Mr. FOCHT. You have taken drinks more or less all your life?

Admiral BAIRD. No; I did not take a drink until I was a grown-up man, and got out with other men; and my dear old father advised me never to take a drink because I wanted it, but always to be social, and never to take another one when I had had enough.

Mr. FOCHT. There is no answer to that.

Admiral BAIRD. Now, gentlemen, I want to say one thing. I am not here in the interest of anything except my club, and to defend the inherent rights of man. I think the referendum would be proper in the District of Columbia for that reason. I think, if you will pardon me for saying so—I am talking to legislators, now—that our liberties are more interfered with to-day than they were in the days of George III, when our ancestors rebelled. I think that the suspension of the right of habeas corpus in West Virginia in 1912 was an attack on the inherent rights of man. I think that putting a town in the State of Washington under martial law to enforce a liquor law was another attack on the inherent rights of man, and the execution of eugenic laws in at least three States is another. We boast about liberty. What is liberty? It is that right, I think the dictionary will say, by which we are permitted to act and say what most pleases us as long as it does not interfere with the like right of other people.

Mr. FOCHT. That is right.

Mr. VINSON. Have you any opinion on the referendum?

Admiral BAIRD. Yes; I am very much in favor of the referendum on general principles. I think we have a better municipal government here than we have had since the Civil War, and I would not like to see the city given the old corporation again and the vote. I am very well satisfied, gentlemen, to leave good enough alone.

Mr. VINSON. Then you are of the opinion that as a general proposition the referendum would be a proper thing for the District of Columbia?

Admiral BAIRD. A referendum on this question I think would be eminently proper.

Mr. VINSON. But on other legislation you think the present method is the better method?

Admiral BAIRD. As we have the present municipal government it is very satisfactory, and we are having very little trouble.

Mr. VINSON. The reason for your opposition to the prohibition bill is because you are apprehensive that it infringes upon the personal liberty of the citizens of the District?

Admiral BAIRD. It is broader than that. It infringes upon the inherent rights of man in any nation, town, or State.

Mr. CARY. About a month or so ago I understand William Jennings Bryan gave a supper at the Lafayette Hotel?

Admiral BAIRD. Yes.

Mr. CARY. Were you there?

Admiral BAIRD. No, sir; I am not a follower of William Jennings Bryan. [Laughter.] I believe in defending the rights of the public.

Mr. CARY. Evidently you are not in favor of referendum on the war problem?

Admiral BAIRD. I think Congress will take care of the war question.

Mr. CARY. Have I got the floor?

Mr. LLOYD. Yes.

Mr. CARY. I am going to ask you a few questions about this Bryan dinner. I want to see if I can find some one who was there. I understand the Lafayette Hotel was not a licensed hotel and that it had no right whatever to serve drinks, and I have also been told that there were some very fine cocktails served at that supper, and wine.

Admiral BAIRD. I do not know about that, sir.

Mr. LLOYD. I think you will find on investigation that that is not the truth.

Mr. FOCHT. He would have a right to do that, would he not; to treat his friends, if he wanted to?

Mr. LLOYD. The reason they had the banquet at the Lafayette Hotel was because it was the only place where they did not have drinks.

Mr. CARY. That may be true, but I am told there were only two or three there that drank grape juice. Mr. Bryan was one of those that drank grape juice.

Mr. LLOYD. Mr. Shoemaker, were you there?

Mr. SHOEMAKER. I was there.

Mr. LLOYD. Did they have intoxicants at that banquet?

Mr. SHOEMAKER. They did not.

Mr. HAMILL. Would you be able to recognize it if you saw it?

Mr. SHOEMAKER. Oh, yes.

Mr. CARY. I think if we could subpoena a few of the waiters that served at that table, we would find out.

Mr. LLOYD. This is foreign to this hearing. Are you through, Admiral?

Admiral BAIRD. Yes, that is all.

Mr. FOCHT. I want to ask the admiral this question. Inasmuch as you think we should not interfere with the rights of the people generally, and particularly acknowledging that this rum has caused a great evil—is a great evil—when it is used to excess, what would be your plan of reaching those cases?

Admiral BAIRD. My plan of reaching those cases would be to tax heavily distilled liquors and to tax lightly the liquors containing less alcohol. That would be my idea of it.

Mr. FOCHT. It has been suggested that that would prohibit the manufacture and sale of spirits. It has been suggested that if we would prohibit the manufacture of spirits, at least 75 per cent of the evils would be instantly remedied, and we would go on the basis of France and Germany, and drink beer and light wines.

Admiral BAIRD. That would be better. I think man would be a great deal better without any stimulant at all.

Mr. FOCHT. Yes.

Admiral BAIRD. Very much better. But there is that craving for it. Gentlemen, you are lawmakers, but you can not make a law that will regulate that.

Mr. FOCHT. You think man would be better without stimulant of any kind?

Admiral BAIRD. From the times of remote antiquity, in ancient Egypt and in all nations down through to the time of ancient Flanders, all through the dark and middle ages, they legislated on kindred subjects, and always with the same result.

Mr. CARY. As to the smoking habit, do you not suppose that will be the next movement, to stop that?

Admiral BAIRD. Yes; that will be the next one. Now, there is more damage done by burnt embers and matches making conflagrations and there are more lives lost and more property injured than by all the liquor that is drank in the world.

Mr. HILLIARD. You spoke of the craving against which we could not successfully legislate. Do you not believe, nevertheless, that there is a constant evolution going on among the human kind whereby in time that will be remedied?

Admiral BAIRD. Yes; there is, gentlemen. I think you are right about that. It is just like the question of slavery. Now, I have been in the Navy since I was a boy, and whisky used to be issued, but the spirit ration was abolished in 1862, and since I have been in the service I have observed. The officers had their wine mess until recently, and it was a pleasant thing on Saturday night when the officer at the head of the table, when all glasses were filled, would rise and give the toast, "Gentlemen, sweethearts and wives. May our sweethearts become our wives, and our wives ever remain our sweethearts." That now is prohibited.

Mr. HILLIARD. They could drink that in cold water, could they not?

Mr. VINSON. Is it better for that to be prohibited?

Admiral BAIRD. I would not like to answer that question, for fear that I might be—

Mr. VINSON. I withdraw it. Go ahead.

Admiral BAIRD. Drinking in the United States Navy has uniformly diminished, as it has in the District of Columbia. When I was a little fellow beer was imported, and breweries were started here, I think, about 1854 or 1855, and about five years afterwards, about the first year of the Civil War, I read in a paper that some statistician said that drunkenness, since the breweries had started, had diminished 50 per cent in the District, and he thought that it was due to the substitution of beer for whisky. The whisky men are always active. Whisky itself is active. They have introduced laws in State after State raising the license, the effect of which was to put the little German beer gardens out of use, and substitute their drastic, hateful whisky. Drunkenness increased again.

Not only drunkenness has diminished, but the punishment. I remember a few years ago when there was an attack made on the canteen of the Army. The canteen is the soldier's club. He is permitted to draw two bottles of beer in one day, which could never make him drunk. The men had their chess and checker games and things there, and they would remain in the post, with something to amuse them. It was attacked, not by temperance people but by prohibition people, and the canteen was abolished. At once the whisky men moved their little rum mills close up to the gates of the Army posts, and the men were scaling the walls, and the guardhouse was full of men after a while, but I think the discipline of the Army

has taken care of that, and they have gotten rid of some of those rum mills and have taken greater precautions, and probably gotten a better class of men in the Army. But I thought when that was done it was a good deal better to lay that proposition down than to knock it down.

Mr. LOBECK. You stated a few minutes ago that you thought they should raise the tax on whisky and such drinks, and lower it on the others.

Admiral BAIRD. Yes:

Mr. LOBECK. The first tax on whisky was \$2 a gallon, and it has now been lowered to \$1.10 a gallon?

Admiral BAIRD. I do not remember.

Mr. LOBECK. There was more infringement of the law and more moonshining under the \$2 tax, because it paid to evade the law and make it, but when it got down to the present tax, \$1.10, it was under better control. The first tax on whisky, \$2 a gallon, was during the Civil War. Before that, it was free.

Admiral BAIRD. Yes. Well, gentlemen, I would like to say—

Mr. LOBECK. So that it might not work as you think.

Admiral BAIRD. No. There is one thing I would like to say to this committee in all seriousness. You have been making laws and making laws to meet these exigencies, and trying to provide the best ruling for the Republic, but the trouble is that the laws are not executed. I think that a prompt, vigorous execution of the law is essential to good government. You need only go down the street, knowing that the speed limit of the automobile is 12 miles an hour. If you run 12 miles only, every last one of them will pass you. They are all exceeding the limit, and the police do not arrest them.

The regulation is the same for the light, 1,200-pound machine as it is for a 6-ton truck, so far as speed goes. Now, a Ford car or a Franklin car, a light car, going 37 miles an hour would not strike any harder blow than a coal truck with 4 tons of coal on it going 5 miles an hour. Weight ought to be considered in that law; and what is more, the law ought to be executed. There is no use in the world to make laws that are not executed.

Mr. LLOYD. Is there anything further?

Admiral BAIRD. No, sir; I have nothing further.

Mr. LOBECK. The spirit of the community has much to do with the enforcement of law, has it not?

Admiral BAIRD. Yes, sir; it has. That brings another question to my mind. The drastic prohibitionists, I have asked a number of them when they have talked with me about it, and told me about horrible examples, you know, of drunken men who have neglected their families, "Have you ever cited a case of this kind, or appeared as a witness?" You can not find one who has had the courage to do it.

Mr. LLOYD. Do you wish to adjourn now?

Mr. CARY. Before we adjourn, had we not better do something with that telegram; notify the gentlemen to be here?

Mr. LLOYD. I think it is the proper thing to do to notify them to be here on Monday, if you want them heard.

Admiral BAIRD. May I go, now?

Mr. LLOYD. Yes.

(The witness was excused.)

Mr. LLOYD. Then the clerk will notify them that they may appear on Monday, next.

Mr. WHEELER. Have you decided to meet on Monday?

Mr. LLOYD. It has been suggested that we adjourn now until 10 o'clock to-morrow morning.

Mr. CARY. Mr. Gould has left, and Mr. Hamill says he has to go home.

Mr. HAMILL. No; Mr. Hamill did not say anything of the kind. Quote me right.

Mr. CARY. I thought you said you wanted to go.

Mr. MAPES. The formal action of the committee is that the hearings close Tuesday.

Mr. LLOYD. Is there anybody else to be heard? Mr. Bulkley, do you want to be heard?

Mr. BULKLEY. If I could, I should like to be.

Mr. LLOYD. Very well; go ahead.

STATEMENT OF MR. BARRY BULKLEY.

Mr. BULKLEY. Mr. Chairman and gentlemen, I am not going to say anything that will put me in the rag-bag of oratory. I want every question asked of me that you gentlemen can possibly ask. I am here simply because I am a citizen, if I may use the term, of the District of Columbia. I have lived here 50 years. My mother was born here, my grandmother was born here, my great-grandmother was born in the District of Columbia. My father was for 60 years a practitioner of medicine in the District of Columbia. If a man with that record behind him has not the good of the city at heart, he had better get out of it.

I am here with Admiral Baird to-day as a member of a club of undeniable reputability and standing, a club which is peculiar in that it loses on its bar. The loss in the last year on the bar in the Cosmos Club was \$249. So that, gentlemen, we are not here because we are allied with any liquor interests. No liquor man has asked me to be here. No man would dare insult me by asking me to take a dollar to be here. I am here because I am a citizen and because I believe that away above, transcending this question of prohibition—and I think, as I look upon your faces, that your minds are pretty well made up one way or the other, anyway—transcending the consideration of the question of prohibition is the great question which affects American manhood.

In one short week you will commemorate the birthday of the man who gave this city his name, of the man who transmitted to us the priceless inheritance of liberty of word and liberty of deed, and I beg and I implore you not to go back to your constituents, not in this crisis, this dreadful crisis, of our national affairs, to dare to go back to your constituents, and say that you have placed upon the liberty-loving people of the District a measure which ties their hands and absolutely forbids participation in American manhood. I have done.

Mr. HILLIARD. Pardon me; what is your business?

Mr. BULKLEY. I am a public lecturer.

Mr. HILLIARD. How would you stand on this question if it was submitted?

Mr. BULKLEY. On the prohibition question?

Mr. HILLIARD. Yes.

Mr. BULKLEY. Well, I have very large property interests in the District. It would be a very difficult matter for me to make up my mind one way or the other.

Mr. HILLIARD. You have not decided whether prohibition is good or not?

Mr. BULKLEY. As I say, I take an attitude far and away above prohibition. I think that the people should decide that after they think it over.

Mr. HILLIARD. You are in favor of a referendum?

Mr. BULKLEY. Of a referendum.

Mr. HILLIARD. Would you be in favor of a referendum, and would you be here advocating a referendum, unless you thought the liquor interests were about to be disturbed in this city?

Mr. BULKLEY. I would be here, as I was 20 years ago—25 years ago—as a little boy, raising my voice for the citizens of the District of Columbia, for their right and participation in the ballot.

Mr. HILLIARD. You have found it profitable to be here, have you not?

Mr. BULKLEY. I have never earned one dollar by being here. I do not have to be here.

Mr. HILLIARD. Or elsewhere?

Mr. BULKLEY. No, sir.

Mr. HILLIARD. That is all.

Mr. MAPES. You have decided opinions about the liquor traffic, have you not?

Mr. BULKLEY. My views coincide almost entirely with those of Admiral Baird. I will say, as Admiral Baird does, that I am not a drinking man. If I want a drink, I take it.

Mr. MAPES. I was surprised at your reply to Mr. Hilliard's question, that you do not know how you would vote if the question were submitted?

Mr. BULKLEY. My inclination would be to think it out seriously. Personally, I believe I would vote against prohibition in the District of Columbia.

Mr. HAMIL. And you would listen to the arguments?

Mr. BULKLEY. Yes; as any honest man would.

Mr. FOCHT. Submission to the decision of the people—that was the point of your address?

Mr. BULKLEY. That is the point.

Mr. MAPES. You would be one of the arbiters if it was submitted?

Mr. BULKLEY. I would be glad to be an arbiter in anything that concerns my people. I would be fair.

Mr. MAPES. Whom would you allow to vote on the question?

Mr. BULKLEY. I would allow every male citizen over 21 years of age and every female in the District to vote on the question—black or white.

Mr. MAPES. Male or female?

Mr. BULKLEY. Male or female.

Mr. MAPES. How long a residence would you require?

Mr. BULKLEY. What we call residence in the District of Columbia is a mythical thing anyway. I would say a year is enough.

Mr. FOCHT. How old are you?

Mr. BULKLEY. Fifty years old.

Mr. FOCHT. You have always taken a little drink, and been a good, social fellow, and belonged to the club?

Mr. BULKLEY. I have, all my life, and I am in pretty good condition.

Mr. FOCHT. I have just been admiring your splendid physique; that is all.

Mr. BULKLEY. Thank you.

Mr. FOCHT. You are not a drunkard, a dissipated booze seller, or saloon keeper.

Mr. BULKLEY. I have had the example of a sainted father who practiced moderation. I have tried to follow his example.

Mr. CARY. We have been adjourning from Friday until the following Tuesday, but the time is getting short for these hearings, and it has been suggested that we adjourn until Monday.

Mr. LLOYD. There is only one more day to be allowed for this side of the question, and we ought to have hearings Monday.

Mr. CARY. Many of the members are going away.

Mr. LLOYD. Mr. Columbus says they are ready to go on to-morrow.

Mr. CARY. I would like to be here, but I have not been able to do anything in my office for some days, and I have hundreds of letters and telegrams on this war situation. I think to-morrow we should devote to other business.

Mr. HAMILL. Let us adjourn over until Monday.

Mr. HILLIARD. Before that is done I just want to say to these gentlemen that so far as I am concerned I want them to have all the time there is to present their case, and we have agreed to close this on the 21st, and that the committee ought to think of these things before they themselves adjourn and consume the time otherwise.

Mr. CARY. I think we are doing very nicely by these people. I do not know what kick you have coming.

Mr. LLOYD. It is moved and seconded that we adjourn until Monday morning at 10 o'clock.

(Mr. Lloyd put the motion.)

Mr. LLOYD. The nocs seem to have it.

Mr. FOCHT. Mr. Chairman, so far as I am concerned, I do not want to vote for a minute's further attention on this, nor to abridge it, in opposition to the views of a single member. I want everything to be in the open, so far as I am concerned, and that everybody may have an opportunity on both sides.

Mr. LLOYD. Without objection, we will adjourn until 10 o'clock to-morrow morning.

Mr. CARY. Is Mr. Focht going to be here to-morrow?

Mr. FOCHT. I can be here if duty calls me, but I understood that they intended to adjourn until Tuesday.

Mr. CARY. No; Monday.

Mr. FOCHT. I understood if you would take Monday and give the opposition a chance Monday, and the other side on Tuesday, that it might do us.

Mr. LLOYD. Is that satisfactory?

Mr. COLUMBUS. We can finish on Monday.

Mr. FOCHT. Just a moment. There has been a distinguished looking colored gentleman there with with Tinkham, Mr. Beckett, and

it has been spoken of here that the colored folks of the South came up there to get whisky. I see those people up at Williamsport and Chambersburg and all around my district, and I have found them around there working on the railroads, and I would like to know whether that is his idea, that these people are coming up there solely to get drink.

Mr. LLOYD. We can get to that on Monday. Have you changed your program?

Mr. FOCHT. What is that?

Mr. LLOYD. Have you changed your program? You voted no on the motion to adjourn until Monday morning.

Mr. FOCHT. I did not vote at all.

Mr. LLOYD. The question is on the motion to adjourn until Monday morning.

(The question was taken, and the motion was agreed to, and at 12.15 o'clock p. m., the committee adjourned until Monday, February 19, 1917, at 10 o'clock a. m.)

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA

HEARING

BEFORE

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

SECOND SESSION

ON

S. 1082

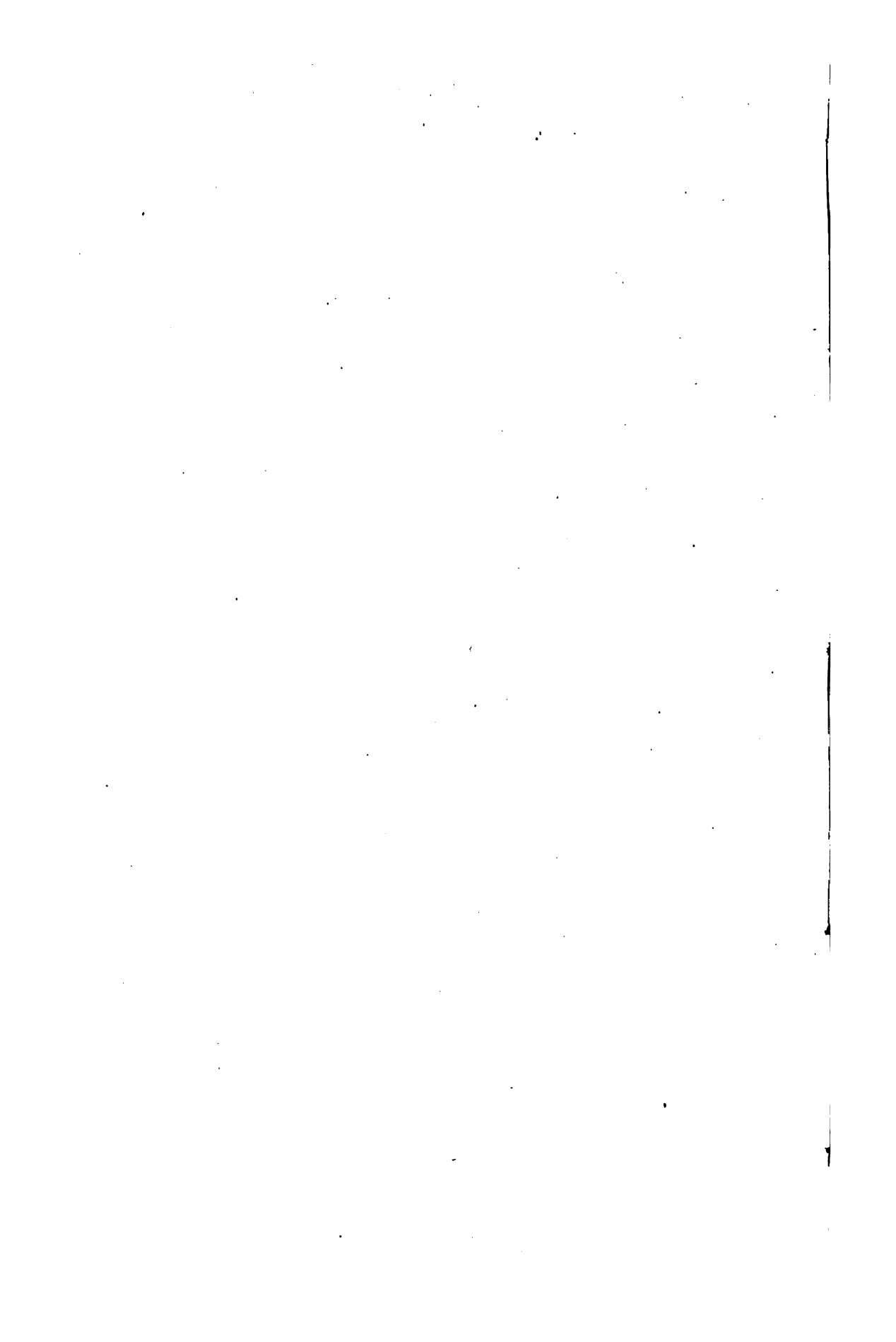
TO PREVENT THE MANUFACTURE AND SALE OF ALCOHOLIC
LIQUORS IN THE DISTRICT OF COLUMBIA,
AND FOR OTHER PURPOSES

FEBRUARY 19, 1917

PART 8



WASHINGTON
GOVERNMENT PRINTING OFFICE
1917



PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Monday, February 19, 1917.

The committee met at 10 o'clock a. m., Hon. Ben Johnson, (chairman) presiding.

Mr. JOHNSON. The committee will please come to order.

Mr. COLUMBUS. This morning we will present Mr. M. D. Rosenberg, general counsel of the Retail Merchants' Association, who has been delegated to represent that association at this hearing. Before Mr. Rosenberg commences his statement, I would like to present this resolution:

"Resolved, That the Retail Merchants' Association, assembled in special session this 7th day of February, 1916, hereby petitions the Congress of the United States to consider the following:

"We submit that it is unfair and inequitable for the Congress of the United States to attempt to pass a law affecting prohibition or other fundamentals of the body politic of this community without first giving the citizens of the District of Columbia the right—which should be the privilege of every American citizen—to vote by referendum or other legal and effective form, as to whether they desire a change in this or other laws of such vital interest to the citizens thereof.

"Be it further resolved, That the secretary of the Retail Merchants' Association is hereby directed to formally present this resolution to the presiding officers of the Senate and House of Representatives for transmission to those bodies, and provide each and every member of the Congress of the United States with a copy of the same."

The above was adopted at a special meeting of the Retail Merchants' Association held February 7, 1916.

CHAS. J. COLUMBUS, *Secretary.*

Mr. BURKE. When was that passed?

Mr. COLUMBUS. Is there not a date on it?

Mr. BURKE. No.

Mr. COLUMBUS. Oh, I see. That was passed in February. I had that copy made this morning. I had mislaid my copy that was in my file.

Mr. BURKE. You mean that was passed this February?

Mr. COLUMBUS. No; a year ago; last February.

Mr. BURKE. What is the membership?

Mr. COLUMBUS. Our membership is made up of firms. We do not elect individuals, but the firms are made up of the individuals. We represent 36 lines, and each firm is represented in those lines. So far as firms are concerned, we represent about 200 firms.

Mr. BURKE. How many persons?

Mr. COLUMBUS. They run from 2 to 20 individuals per firm; larger department stores and other large businesses like that, their buyers participating in our section meetings; hardware, tailoring, ladies' wear and dry goods, and so on.

Mr. BURKE. What percentage of the total of these real estate men of the District outside of the saloon keepers or liquor men do these people represent?

Mr. COLUMBUS. At the time that resolution was adopted we had no members who were selling liquor. Since then we have taken in three.

Mr. BURKE. You do not understand me. What percentage of the total number of retail merchants of the District of Columbia does this organization represent?

Mr. COLUMBUS. Frankly, I do not know the number of retail houses that we have. I imagine that there are about 700 or 800 retail stores, generally.

Mr. BURKE. What is the membership, did you say?

Mr. COLUMBUS. About 200.

Mr. MAPES. How many were present at the meeting at which this resolution was passed?

Mr. COLUMBUS. I should judge about 75.

Mr. MAPES. Was it called for that special purpose?

Mr. COLUMBUS. Yes; it was a called meeting.

Mr. MAPES. To consider the prohibition question alone?

Mr. COLUMBUS. To consider that question alone. It was a special meeting held at the Willard Hotel.

Mr. MAPES. Who called the meeting?

Mr. COLUMBUS. The president, as usual, according to the constitution.

Mr. MAPES. Who was the president?

Mr. COLUMBUS. R. P. Andrews, president of the R. P. Andrews Paper Co.

Mr. JOHNSON. I have here three communications which I am requested to lay before the committee. The first one is from R. H. Bond, chairman of the legislative committee of the Flavoring Extract Manufacturers' Association of the United States (Inc.), which reads as follows:

BALTIMORE, MD., February 17, 1917.

HON. BEN JOHNSON,
Capitol, Washington, D. C.

DEAR SIR: I would respectfully call your attention to Congressional Senate Bill No. 1082, by Mr. Sheppard, and H. R. No. 19360.

Section 1 of Senate bill No. 1082 makes it unlawful to manufacture or sell or to solicit orders for the purchase of any alcoholic liquors in the District of Columbia.

Mr. MAPES. We all got a copy of that.

Mr. JOHNSON. If you all got it we will just put it in the record.

Mr. BURKE. I have no recollection of it.

(The communication referred to is here printed in full in the record as follows:)

BALTIMORE, MD., February 17, 1917.

HON. BEN JOHNSON,
Capitol, Washington, D. C.

DEAR SIR: I would respectfully call your attention to Congressional Senate bill No. 1082, by Mr. Sheppard, and H. R. No. 19360.

Section 1 of Senate bill No. 1082 makes it unlawful to manufacture or sell or to solicit orders for the purchase of any alcoholic liquors in the District of Columbia.

The term "alcoholic liquors" is stated to include whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, pure grain alcohol, and all malt and other liquors which contain one-half of 1 per cent by volume of alcohol or more.

This bill contains no express proviso dealing with the manufacture and sale of culinary, flavoring, and toilet preparations, and it is a question if, under a strict interpretation of the law, these items would be permitted to be sold or manufactured under this bill.

In my opinion, it is reasonably clear, from the provisions of section 1 in H. R. 19360, that it is not the intention of the law to interfere with the legitimate sale and use of flavoring extracts, perfumes, toilet preparations, etc., but the provisions of section 2 taken in connection with section 5 would seem to restrict to druggists the sale of extracts, patent or proprietary medicines, and household remedies containing alcohol.

I do not believe it is the intent of Congress to do this.

The drug trade sell but a very small proportion of the flavoring extracts used in the District of Columbia. This trade is nearly altogether in the hands of the retail and wholesale grocer and general storekeeper, and it would be most unfair, as well as unwise and discriminatory, if the sale of this class of items were transferred to other sources.

I would therefore respectfully suggest that the following amendment be added to these bills:

"And be it further enacted, That nothing herein contained shall make it unlawful for general merchants, grocers, persons, firms, or corporations, not registered as druggists or pharmacists, to manufacture, buy, sell, ship, or deliver, or deal in any bona fide medicinal, flavoring, culinary, or toilet preparation, official, standard, or proprietary, provided that the same does not contain more alcohol than is necessary to comply with its standard or official formula, or to hold the constituents in solution, preserve the preparation, or keep it from freezing, and provided the preparation is not sold for use as an intoxicating beverage."

or some other provision in some other language, which will have the same effect.

Yours, very truly,

R. H. BOND,

Chairman Legislative Committee,

Flavoring Extract Manufacturers' Association of the United States.

I called at your office to-day and left note with suggested amendment. Regret did not see you personally.

Mr. JOHNSON. Here is another, addressed to me, which will be put in the record. This is from the Federation of Citizens' Associations, District of Columbia. This letter reads as follows:

LAW OFFICES OF MASON N. RICHARDSON AND CHAS. S. SHREVE, JR.,
Washington, D. C., February 15, 1917.

HON. BENJ. JOHNSON,
Chairman Committee on the District of Columbia,
House of Representatives.

MY DEAR MR. JOHNSON: As the Federation of Citizens' Associations of the District of Columbia has gone on record indorsing the referendum in the District of Columbia, and as I understand that your committee is now giving consideration to that subject, I would like very much to appear before your committee for a few minutes in the matter, if convenient to you.

Mr. JOHNSON. This is signed by somebody whose name I can not read, president of the Federation of the Citizens' Associations, District of Columbia.

Mr. COLUMBUS. That is signed by Mr. Charles S. Shreve.

Mr. JOHNSON. I am glad you told me. I had no other way of finding it out.

Mr. COLUMBUS. Mr. Shreve wrote me yesterday and said that a Mr. Garrett would represent the Federation of Citizens' Associations before the committee, and asked me to arrange a time for him.

Mr. JOHNSON. The question is with the committee, whether they will hear him or not.

Then here is a communication from the Religious Liberty Association, Tacoma Park, Washington, D. C. This letter is as follows:

RELIGIOUS LIBERTY ASSOCIATION,
C. S. LONGACRE, SECRETARY FOR NORTH AMERICA,
Tacoma Park, Washington, D. C., February 16, 1917.

HON. BEN JOHNSON,
House of Representatives, Washington, D. C.

SIR: I am the legislative secretary of the temperance department for the North American Division and the District of Columbia Conferences of Seventh-day Adventists.

I would like to have the opportunity of presenting the views of our people before your committee which is now considering the Sheppard-Barkley bill, which aims to make the District of Columbia dry. However, I know that your committee is very busy and has a very limited amount of time within which to consider this proposition; and I do not want to be responsible for delay in the reporting of this measure to the House of Representatives. Therefore, I have submitted our reasons why we favor the passage of the Sheppard-Barkley bill in writing, and if you prefer to have this written report inserted in your record which will be submitted to the House, you are at liberty to do so. If you would prefer to have me personally appear before your committee and briefly state our views, I am perfectly willing to do so, and submit myself to interrogation on the part of your committee. At any rate, we would like to go on record as favoring the passage of this bill.

Most respectfully, yours,

C. S. LONGACRE.

I know it has been the custom of the committee not to insert briefs, where the party does not come for cross-examination or interrogation by the committee.

MR. DARROW. Mr. Chairman, Mr. Gibboney, president of the Law and Order Society of Philadelphia, whom we agreed to hear, is here this morning, and would like an opportunity.

MR. JOHNSON. Let us dispose of this first. Unless there is a motion to the contrary, I will advise Mr. Longacre to the effect that his brief will not be inserted in the record, but that if he will come here, then the question will be with the committee as to whether or not he shall be heard.

MR. HILLIARD. I move that his communication be placed in the record, providing, of course, we will all know that it is *ex parte*.

MR. JOHNSON. Is there objection to that? The chair hears none, and it will be inserted in the record.

(The brief referred to is here printed in full in the record as follows:)

To the District of Columbia Committee of the House of Representatives:

As legislative secretary of the temperance department of the North American Division and the District of Columbia Conferences of the Seventh-day Adventists Denomination, I submit the following reasons why your committee should favorably report the Sheppard-Barkley bill to the House of Representatives for their consideration:

1. Since the Senate has favorably acted upon the passage of this measure, we believe that the House of Representatives should decide the fate or fortune of the bill instead of the committee to whom it is referred.

2. We do not believe the committee ought to consider a referendum proposition for the citizens of the District of Columbia, unless Congress contemplates restoring the full right of franchise to the citizens of the District of Columbia. A referendum would not be considered valid on any question when exercised by those who are without the rights or beyond the limits of a franchise. The whole proposition is a subterfuge until the rights of franchise are restored to the people that have been legally disfranchised. The highest legal authorities support this view.

3. Congress ought to decide the question of the licensed saloon in the District of Columbia because it thrust the licensed saloon upon the citizens of the District of Columbia without their consent, therefore it has the right to undo what they have done without the authority of the citizens of the District of Columbia.

4. The representatives of the different States in the Union make for the District of Columbia the laws on all subjects of legislation, and since the larger portion of the territory of the whole United States is now under "dry" rule, the majority of the Representatives ought to conform the rule of the District of Columbia to the majority rule of the various States of the Union. Common sense and logic can form no other conclusion.

5. A question of such grave importance should not be decided by a dozen legislators but by the whole representative body that is empowered to legislate for the District of Columbia.

6. If prohibition is a good thing, the sooner it comes the better; if it is a bad thing, the sooner it is repudiated the better. We urge that the test be applied and the

consequences determined at the earliest possible opportunity. We plead that fairness and justice to all parties concerned demand that prohibition be given a trial after the liquor interest has had full swing during the past; and if prohibition is more unsatisfactory than "wet" dominance has been, then it will be fair to resubmit the question to consideration and reinstate the liquor traffic for the good of the public. All we ask is a trial and fair play. This is a scientific, economic, and humanitarian question with which the State can deal by right in harmony with the welfare of public interest.

The liquor traffic creates no economic values which can possibly accrue to the individual or Nation in final results. Any business enterprise, irrespective of its kind, which destroys the individual, wrecks the home and puts a blight upon posterity, is an enemy, not only to the guarantees of the Constitution and the flag, but to the most sacred rights of humanity, and consequently deserves to be utterly banished by due process of law.

The legalized liquor traffic tramples upon every constitutional privilege and immunity granted to mankind. It is not amenable to God or man or the equitable restraints of law. It robs, mutilates, and slays alike the innocent and the guilty. It mocks at justice, jeers at honor, and laughs at purity.

When we consider the unspeakable sorrow, disgrace, debauchery, immorality, crime, poverty, wretchedness, and ruin which the liquor traffic brings annually to thousands of mothers and innocent children in the homes of the devotees whose fathers worship at the altar of Baachus, and to society at large, we believe that the civil government has a constitutional right, yea, more, a constitutional obligation, to adopt measures, and to enact laws, which will guarantee to each individual the unmolested enjoyment of his God-given, inalienable rights to life, liberty, and happiness, all of which rights are trampled under foot by those who engage in the promiscuous manufacture and sale of intoxicating beverages.

More than half the insane, orphans, paupers, and criminals in our public institutions are there because of the evil effects of the liquor traffic. Eighty-five per cent of all the murders are due to the liquor traffic. As long as Uncle Sam protects this criminal and murderous traffic by legalizing and condoning the business, and by accepting blood money as revenue, he is equally responsible for all these crimes and murders which are committed.

Under such conditions the whole American Army, the Federal Constitution and the national flag are powerless to defend and protect its citizens from the assaults of an internal enemy.

We beseech your honorable committee to favorably report the Sheppard-Barkley bill for a "dry" District.

Signed by the national secretary.

TAKOMA PARK, *Washington, D. C.*

MR. BURKE. What action are you going to take on this letter of Mr. Shreve?

MR. JOHNSON. It is already in the record.

MR. BURKE. I mean as to his being heard.

MR. JOHNSON. That is with the committee.

MR. COLUMBUS. He is the representative of the Federation of Citizens' Associations, which is one of the greatest organizations we have here, gentlemen, and the clearing house for these many citizens' associations. It has such good standing here that the District Commissioners permit them to use the board room of the District Commissioners for their meeting place, and Mr. Garrett, I am advised, the chairman of the Committee on Finance and Legislation, will be here this morning.

MR. MAPES. Of course this is the last day of these hearings.

MR. COLUMBUS. The last day?

MR. MAPES. The last day that this side has for presenting their statements.

MR. COLUMBUS. There was no motion to that effect.

MR. BURKE. There never was any such action taken.

MR. MAPES. There was a resolution passed to give one more day for hearings, and it was generally understood that the proponents of the measure would have the opportunity to close in one day.

Mr. COLUMBUS. If the proponents of this measure have other time, we will also want to be heard in rebuttal.

Mr. JOHNSON. I do not suppose it is necessary to determine that at this moment.

Mr. BURKE. I insist upon my motion, Mr. Chairman.

Mr. JOHNSON. What is the motion?

Mr. BURKE. That this Mr. Shreve, president of the Federation of Citizens' Associations, be notified we will hear him.

Mr. JOHNSON. When?

Mr. BURKE. To-day or to-morrow or any other time we fix.

Mr. COLUMBUS. He said that he would be here at 10.30 o'clock.

Mr. JOHNSON. Mr. Shreve said he would be here?

Mr. COLUMBUS. No.

Mr. JOHNSON. We are talking about Mr. Shreve and entertaining a motion pending before the committee.

Mr. COLUMBUS. May I read this letter from Mr. Shreve, which I have here?

Mr. JOHNSON. Not while this motion is pending, unless it affects this motion.

Mr. COLUMBUS. It does affect this motion.

Mr. JOHNSON. Very well. Read it.

Mr. COLUMBUS [reading]:

FEBRUARY 18, 1917.

DEAR FRIEND COLUMBUS: Mr. Clyde D. Garrett, chairman of the committee on finance and legislation, will be present tomorrow (Monday) before the House District Committee at 10.30 o'clock as the representative of the Federation of Citizens' Associations, in my stead. I will be tied up in court.

The federation has gone on record in favor of the prohibition bill. It has also gone on record in favor of the referendum on all questions of importance to the District.

Cordially yours,

CHAS. S. SHREVE,

President Federation of Citizens' Associations.

Mr. JOHNSON. Then you do not want to make your motion, in the light of that, that Mr. Shreve be heard?

Mr. BURKE. The substance of the motion is that he be heard.

Mr. JOHNSON. Mr. Shreve says that he does not want to be heard. You do not want to make the motion to hear Mr. Shreve if he does not want to be heard? Do you want to hear Mr. Shreve anyhow, or do you want to hear the man that he states the association wants to be heard?

Mr. BURKE. Who is that man?

Mr. COLUMBUS. Mr. Garrett.

Mr. BURKE. I move that Mr. Garrett be heard by the committee this forenoon, in lieu of Mr. Shreve.

Mr. JOHNSON. Without objection that motion is adopted. The Chair hears none, and the motion is adopted.

Mr. COLUMBUS. Now I present Mr. Rosenberg.

STATEMENT OF MAURICE D. ROSENBERG, ESQ.

Mr. JOHNSON. Give your name and state whom you represent?

Mr. ROSENBERG. Maurice D. Rosenberg, representing the Retail Merchants' Association of the District of Columbia.

May it please the committee, as stated by Mr. Columbus, I have the honor of representing, as general counsel, the Retail Merchants' Asso-

ciation of this city, and, while, as stated, its membership does not comprise all of the retail merchants, the personnel of its membership from commercial, civic and other standpoints is of a very high character, and I am correct in stating that the very best element of the commercial community is a component part of the Retail Merchants' Association. They have gone on record, in accordance with the resolution which you have heard, at a meeting called specifically for that purpose, held at one of the large hotels, I believe at or about the time the Sheppard-Barkley bill was being discussed in the Federal Congress.

As its name would indicate, the association represents commercial interests which would be very largely affected by the operation of a bill such as the one under consideration, and while primarily I am asked to discuss the question of referendum, and advocate it before this committee, nevertheless, incidental thereto, I feel that it will be necessary to address myself to some extent to the main question, namely that of prohibition for the District of Columbia.

As I say, the interests of the membership of this association will be largely affected, commercial interests, as you gentlemen well know, as would be the case in any community, and I take it that the consumption of and the sale and the manufacture of liquor raises a good economic question; so much so its advocacy throughout the land has created what we might term a creed—a religion—a large number of citizens of the highest respectability favoring prohibition, total prohibition, partial prohibition. Another number, equally large and equally respectable, favor the other side of the question, and there is no doubt about it, gentlemen, that as a creed it is a good question, and on general principles is entitled to the opinion of every American citizen; but I take it that you gentlemen are not here for the purpose of advocating a creed. The purpose for which you gentlemen have been selected, and the duty that has been committed to you, is only and solely one, and that is, Do the needs of the District of Columbia demand a prohibition bill such as has been introduced and passed by the Senate and known as the Sheppard-Barkley bill? I am a native of this Capital City and I am very proud of it. I have resided here continuously and uninterruptedly so close to half a century that I am almost ashamed to mention it in public. I do claim, however, to have a fair knowledge of what the District of Columbia demands, and I listened with much interest and much pleasure to a number of statements and arguments of proponents of the bill on the first day of this hearing. A number of highly respected ladies and gentlemen and clergymen went on to discuss their side of the question, not as it affected the District of Columbia, but as a creed. That, gentlemen, is no argument. Then I say if you are here to legislate with respect to the creed, surely the citizens of the District are entitled to a voice in the passage or the nonpassage of this bill.

Some of the ladies and gentlemen stated that the principal purpose of advocating this bill is so that their sons and daughters might be reared upon a high moral plane. Granted. A very laudable cause. I have children, you have children, my parents had children, and their parents before them had children, and I have resided here nearly half a century, and not one of us has ever gone wrong by reason of the legislature permitting a matter of personal liberty—permitting wholesale and retail liquor dealers to continue in their

legitimate business; and when I refer to myself, I say that it is typical of the American family, probably, typical of your own families; so that I say if any young ladies or gentlemen go wrong as the result of the application of personal liberty, to wit the sale of liquor at wholesale or retail, then I say it is due to the home influence, and is not due by any means, in my opinion, to the fact that I may see across the street a sign "bar room."

Again, I say, while I may speak with some force against the question of prohibition—and in doing that I am ventilating my own personal views and not the views of the association—yet I say it is essential as incidental to the question of prohibition, whenever you gentlemen may realize, which I have no doubt you do, the gravity and the far-reaching effect of the matter which is committed to you.

Now, Washington, as you know, is a national city. It is the national capital of the greatest republic we have ever known. In that republic the foundation stone has been what? Personal liberty. It has been the right to cast your ballot. Taxation without representation is not known as an American principle. We are told here to depart from that American principle; right here where the highest standard of Americanism should prevail, to wit, the Capital City. That being so, are we not entitled in a matter as important as this bill, at least, to have our say, and denote by our personal views just what it should be?

Our population is not local, to a very large extent. There are between 350,000 and 400,000 local inhabitants. Besides those, there is a large floating population. There are a large number of conventions which by natural impetus are directed to the National Capital. There are foreign ambassadors and others from foreign countries whose habits may differ from ours. So that I say conditions here may be different from what they are in almost any other community.

I contend that the business of selling liquor has been legitimized by the Federal Government because its sale requires an internal-revenue tax. I say it is legitimized by the local government because it requires a local tax.

Mr. JOHNSON. A license.

Mr. ROSENBERG. Yes, a license; which I think is equivalent to a tax, Mr. Chairman.

Mr. JOHNSON. No; there is quite a difference.

Mr. ROSENBERG. I am endeavoring to eliminate fine distinctions, and to generalize to some extent; but I do say that the operation of such a bill as this snatches away the business which has been legitimized in the manner that I have stated. A man may have been for a long time engaged in his calling, and the liquor interests of this District are respectable, so far as I know, and I have had observations to enable me to judge; and some of them have grown up in it from their boyhood days, and their children, and their children's children have grown up in it. Does it seem fair that by one act of the legislature you should say, "We are going to take from you that property right which we have heretofore made legitimate by inviting you to go into it, by reason of your paying this national and local tax?" So that, I say, the question should be given very grave consideration before the bill is passed, or at least before the bill is passed

without giving the citizens of the District of Columbia an opportunity to be heard upon this subject.

I was very much interested, and I believe you gentlemen were, in the dissertation of Mr. Henry E. Davis who appeared before you the other day, a member of very high standing at this bar, and one whose legal opinion is respected by every lawyer in this community, and he laid before you precedents to show the right of the Federal Congress to legislate in matters of referendum. That seems to have been borne out by the Supreme Court of the United States in several cases. In one of them I have in mind now (reported in 181 U. S.), the case of *White v. Davidson*, which is one of these street-extension cases where limitations were put upon an area that was to be taxed for a street extension, the defense was made to that position by those who were taxed in this District, and our Court of Appeals, affirming the opinion of the lower court, held that it was unlawful to tax them for any prescribed district; that if a jury was appointed to fix any section, the benefit should be assessed irrespective of any territorial limitation fixed by the act itself. The Supreme Court of the United States reversed that, and injected the element of what they termed "legislative determination." In other words, they said, "We are going to make this act. Why? Because we have taken it on ourselves to determine in advance to a reasonable extent how much of this land may have been affected." And so it is, while the facts are entirely different, the principle is similar to the one I am endeavoring to present here, the Federal Constitution provides that the Congress of the United States shall exercise exclusive legislation over the District of Columbia, differing from any other Constitutional amendment which requires the votes of the legislature of the states, to wit, that it shall exercise exclusive legislation over the District of Columbia.

As the Supreme Court has said, assuming that the Federal Congress meeting in the city of Washington, consisting as it does of Representatives from the entire country and being right on the spot itself, would be in position to know what the Federal needs might demand, if that is so, and if you gentlemen on the spot realize that the citizens of the District are entitled to a referendum, give it to them; and the authorities pointed out by Mr. Davis and the general law, I submit, would give you the right to enact such a law, to wit, whether you do it under the Underwood bill or the Underwood amendment to the Sheppard-Barkley bill, or under the Cary bill—of course there are things there which do not quite meet my personal views that might meet the views of a good many—but ascertain first in what you are doing what the citizens of the District desire; and I take it, and I think it is only fair and just, that we should have the opportunity of saying whether or not a bill that is as far-reaching as this, a bill that affects property rights running into a great many hundreds of thousands of dollars, should become law. To arbitrarily say, "We are going to make this law, whether you want it or do not want it," would not that be enough to make the blood of any American curdle, or to make it boil with anger, perhaps, to think that we in the National Capital should be denied the right of saying how we feel about it?

We are governed at present by what one speaker at one of the public meetings here termed our "town council," which consists of the District of Columbia Committee of the Senate and the District

of Columbia Committee in the House. As you know, we have three men appointed by the President for a limited time, who have ministerial powers only, whose powers are very much limited, the Commissioners of the District of Columbia; so that, where do we have to look for any measure that we have to desire the advocacy of? To the two committees in Congress; to our own "town council," which I say well expresses it. Now, the town council, as it were, consists of men of high character, men of brains, and men of ability, but they are not natives of the Capital City. There is no limitation upon the time during which they should reside in the Capital City. Is it fair to say to us that you gentlemen coming from California and Illinois and Maryland, coming from everywhere—everywhere except the place that affects us, the District of Columbia—should legislate for us? I can not blame you for that, because the Federal Constitution so provides, but I do say that here is an opportunity in one measure, and in an important measure, to give the citizens of the District of Columbia the opportunity for themselves to speak out, and not for you gentlemen, the Federal Congress, consisting of a membership of persons from everywhere except our own midst. Why, gentlemen, in any of your towns, in any of your States, if there was to be any legislation of this kind passed, and a law would be followed up, and say that representatives from every State in the Union except your own one shall decide it, why, you would rebel at it.

Mr. CARY. Will you pardon me for interrupting you?

Mr. ROSENBERG. Mr. Cary.

Mr. CARY. Did not, the other day, the United States Senate amend the Porto Rican bill by giving them the right of referendum?

Mr. ROSENBERG. I have not examined it carefully enough to pass on that. I think it did.

Mr. CARY. Are they more intelligent than the people of the District of Columbia?

Mr. ROSENBERG. Exactly so; and that very fact occurred to me when I read it.

Mr. CARY. It also gave the referendum to Alaska.

Mr. ROSENBERG. Yes, Alaska and Porto Rico. So that I do not know that very much more can be said upon this subject, except that I wish to summarize and say that, breathing the atmosphere as I breathe it, and being imbued with personal conditions created and accelerated by a permanent residence here of 50 years, I say there is no need for a total or partially total prohibition bill in the District of Columbia, and that is recognized by the present Jones-Works bill under which we are now operating, and I take it there is not a better behaved city in the United States, where liquor is sold or where it is not sold, than is the District of Columbia. You gentlemen are no doubt familiar with the restrictions embodied in the Jones-Works bill. The excise board, consisting of three persons, three eminent gentlemen who are appointed by the President and are presumed to know the law, are required to pass upon every license, retail and wholesale. They are not permitted to grant more than 300 licenses, only in the provisions of that act it is provided that where it can be consistently done the practice should be rather to decrease than increase the number. The places are closed tight on Sundays, so tight that the place itself must be exposed, and by a recent regulation the owner of a liquor saloon is not permitted to

go inside of his place, not even to clean up, on Sunday. It is a penal offense. So that you have got every possible restriction that could be thought of to make the liquor traffic decent and respectable.

This bill says what—this Sheppard-Barkley bill? It says: "We are going to close the places of business, retail and wholesale, but we are going to permit you and myself and other private individuals to import as much liquor as we desire for our personal consumption." The bill is one-sided, is it not? Is that going to prohibit? That is going to prohibit the man who has acquired the property right from continuing, but it is not going to prevent the consumption of liquor.

Mr. HILLIARD. If we were to pass a bill, would you suggest that we so amend it as to eliminate that?

Mr. ROSENBERG. I should be opposed to the passage of the bill in any shape, on personal—

Mr. LLOYD. Would you favor it as much then as now, or would you favor it less then than now?

Mr. ROSENBERG. I think if a prohibition bill should pass, it should prohibit.

Mr. LLOYD. Would you do anything, then, to make this a water-tight bill—bone dry?

Mr. ROSENBERG. If liquor is to be prohibited, the importation of it should be prohibited as well as the sale of it.

Mr. HILLIARD. For what society do you appear?

Mr. ROSENBERG. The Retail Merchants' Association of the District of Columbia.

Mr. HILLIARD. And in what particular behalf?

Mr. ROSENBERG. On behalf of the referendum question.

Mr. HILLIARD. You said that it would be necessary, of course, to discuss the "main issue." What do you call the main issue?

Mr. ROSENBERG. The referendum, I take it, is an incident to the prohibition bill. The main question you are considering is the question of prohibition for the District.

Mr. HILLIARD. Then you look upon prohibition as being the main issue?

Mr. CARY. At this time it is the main issue.

Mr. ROSENBERG. I can not say that I do. We have before us only one bill presented, and that is a prohibition bill. Now, we are asking in connection with that that it be amended and revised so as to allow a referendum in the District.

Mr. HILLIARD. You said you would also discuss the main issue, in addition to the referendum?

Mr. ROSENBERG. By that phrase, the "main issue," I meant the merits of the bill which is here presented.

Mr. HILLIARD. If it were not for the main issue, would you be here at all?

Mr. ROSENBERG. I would be here, sir, as a citizen of the District and as an American citizen, to advocate referendum on any question which would affect the rights of the District of Columbia, whether it be this kind of a property right or some other kind of a property right.

Mr. HILLIARD. But you just remarked that you did not favor the general referendum bill of Mr. Cary.

Mr. ROSENBERG. I did not say that; pardon me. I said that I had examined it, and that with some limitations—there are some things in there that have not my approval.

Mr. HILLIARD. Have you ever appeared before the committee on other occasions and advocated the measure of referendum affecting the District?

Mr. ROSENBERG. No, sir; I have not. I have been a member of other committees, and was expected to appear, but by reason of other engagements was unable to do so. One of the matters was the intangible tax question, which is a very important measure, and I am connected with associations where it plays a very important part.

Mr. HILLIARD. Did you wish to have that intangible tax proposition referred?

Mr. ROSENBERG. As I say, I am speaking now out of the committee of which I was a member, in order to modify it by reason of the aggregate of taxes imposed on citizens of the District.

Mr. LLOYD. As a matter of fact, then, this is the only thing on which a referendum has been asked, is it not?

Mr. ROSENBERG. No; there have been a large number of measures wherein a change in the form of the District Government was requested, and representation in the District, and that is the strongest kind of referendum.

Mr. LLOYD. We have had numerous bills before this committee. What other bill have you appeared on, or has any other member of your committee appeared on, asking a referendum?

Mr. ROSENBERG. I do not know that there has been any other bill on which the referendum has been requested.

Mr. LLOYD. As a matter of fact—you had just as well be frank with the committee—is it not true that there is only one thing which you have asked the referendum on, and that is this liquor bill?

Mr. ROSENBERG. The only thing I have appeared before this committee on, and the only thing that the District of Columbia has asked for a referendum on, was the District bill, in the last two years. I think that is correct. But I am not sure of that. But I do not want to be misunderstood, either. I beg your pardon, sir. If any other bill of equal importance should come up I would feel just exactly for a referendum as I do for this.

Mr. LLOYD. Is not the taxation bill just as important to the District as this?

Mr. ROSENBERG. Yes.

Mr. LLOYD. Was not the half-and-half proposition just as serious a matter to the District as this?

Mr. ROSENBERG. Yes.

Mr. LLOYD. Is not the intangible property tax as important as this?

Mr. ROSENBERG. Correct.

Mr. LLOYD. Is not the Government ownership of telegraph and telephone as important as this?

Mr. ROSENBERG. Yes.

Mr. LLOYD. Was not the red-light proposition three or four years ago as important as this?

Mr. ROSENBERG. That is true; but there are other committees who have had charge of those things and appeared before the committee. There are a number of local District committees that have appeared before you.

Mr. LLOYD. None of them ever asked for the referendum in any of these matters?

Mr. ROSENBERG. Well, I take it that the referendum has been asked for in a very emphatic manner by the civic organizations here—the board of trade and the chamber of commerce.

Mr. LLOYD. In no other bill, however, has it been asked.

Mr. ROSENBERG. We asked for the change of local government, and that not only this question but every other question might be passed upon by the District.

Mr. LLOYD. Is it not true that you have been representing the saloons, or several of them, before the excise board?

Mr. ROSENBERG. In answer to that question I want to say that I represent as many nonliquor interests as, and probably more than, I do liquor interests. My whole practice is of a diversified character, and if you came into my office this morning I would not ask you anything about what business you are engaged in. I have appeared before the excise board. I have appeared, as Mr. Shoemaker, the attorney for the Anti-Saloon League, knows, on the other side of that effort in denouncing these cases; so that I take it I have been——

Mr. LLOYD. So that as a matter of fact you represent practically no saloon interests?

Mr. ROSENBERG. No, sir; nor am I paid or hired by anyone. I appear before you here, and I am appearing, as was stated before by the secretary of that association, for the Retail Merchants' Association, and in my own behalf as an American citizen.

Mr. LLOYD. Are the Retail Merchants' Association more concerned for referendum in this than they are in other matters?

Mr. ROSENBERG. They are not. They are concerned equally for any other local measure.

Mr. HILLIARD. Personally you are for it? Do you not favor prohibition?

Mr. ROSENBERG. Personally, yes. I do not think it would prohibit.

Mr. HILLIARD. Would you favor it if you thought it would prohibit?

Mr. ROSENBERG. That is going into a question that——

Mr. LLOYD. I do not think he ought to be required to answer that.

Mr. HILLIARD. I withdraw the question.

Mr. LLOYD. It has not been insisted on with others.

Mr. HILLIARD. Let the record show that I withdraw the question.

Mr. JOHNSON. I am not familiar with your general activity in District matters, and because of that I desire to ask you whether or not in your opinion there would be any other factor in determining this question if it were submitted to a referendum than the simple question of prohibition? If I have not made myself clear I will put the question in another way. Do you know whether or not there is quite an extensive disposition in the District and that that would be expressed in the referendum upon the prohibition question, to continue to have the United States Government put up a half million dollars a year to match the half a million dollars a year that is now being derived from the liquor business in the District of Columbia? In other words, do you not think that some people would be influenced—quite a large number of people in the District, I will put it, would be influenced—if the referendum were submitted, to vote against prohibition because they want that million of dollars to come to the District, without which they would have to

get along in the event that the liquor business was done away with here?

Mr. ROSENBERG. They would be called upon for some other taxation of some character to equalize the amount. I take it that is the thought that is in you mind.

Mr. JOHNSON. No; that is not exactly my thought, because I do not believe that it is necessary to have that money, at all. In other words, I believe that all the money that is gathered here according to the prevalent local intention, must be spent—either wisely spent or extravagantly spent or lavishly spent—or thrown away, in order that there may be no surplus, in order that they may show that they are overtaxed.

Mr. ROSENBERG. Your question is, Would that influence the District—

Mr. JOHNSON. My question, made shorter, is this: Will the fact, that if the liquor business continues here and the District gets the revenue of a million dollars a year, which it will not get if it is prohibited, influence anybody to vote against prohibition who otherwise might vote for it?

Mr. ROSENBERG. Mr. Chairman, I could hardly reflect the views of the community. It would not influence me.

Mr. JOHNSON. I have received quite a number of communications from people right along that line, and I have a letter from a gentleman who says that he is a prohibitionist, but that if a referendum came he would let this other consideration influence him, and would vote against prohibition, because of the large amount of money involved.

Mr. ROSENBERG. There are good persons who would be influenced by that, I dare say.

Mr. JOHNSON. I was wondering whether you had any information how the people of the District of Columbia thought upon that.

Mr. ROSENBERG. No, sir. I might say that the people of the District of Columbia feel that they are rather heavily taxed. Now, with that in mind, it might influence somebody. I do not know. But I do believe that the majority would be influenced by the merits of the question itself.

Mr. JOHNSON. If the merits of the question made a close vote, then, in your judgment is it possible that these other people to whom you have just referred might become the balance of power between the two?

Mr. ROSENBERG. Such a possibility exists, although I have never heard any agitation upon that theory whatever. I might say that we have been fighting for a cause, as American citizens, in a decent way, and diversified views have been expressed as to in what manner we should do that. Are we entitled to the same representation as the States, with the same powers in Congress? Ought we to have Delegates or ought there to be a referendum on important matters, or what not? We have for years, and it is a very natural thing to do. When the Federal Constitution was enacted with that clause in it, the District of Columbia was then a small Federal reservation, and the need of it probably did not appear; but we have expanded to three or four hundred thousand permanent population, and conditions now exist where the needs of the community ought to be voiced by the citizens of the District. I do think that it would be fair to do this, gentlemen, manifestly fair; and, as I say, differing in some

respects from the honorable committeemen, I do not approve of women voting, on economic principles. The operation of society, I say, demands that a woman should take charge of the home and remain within the realm of the home. I think, though, that every male inhabitant of the District, whether he be resident or nonresident, if he has resided here 12 months, should be accorded that opportunity.

Mr. LLOYD. Black or white?

Mr. ROSENBERG. Black or white. I say the colored man is entitled to the right, and we have no right to recognize any distinction. God Almighty put one class into a white skin and another into a black skin, and I say that, knowing the exigencies, the law has no right to discriminate.

Mr. LLOYD. Do you not think that a woman is as well qualified to pass on whether there should be saloons here as a man?

Mr. ROSENBERG. I do not think there is a question about that. I say the intelligence of American womanhood can not be questioned, and the vocation of American womanhood can not be questioned.

Mr. LLOYD. Is she not as much interested in whether there should or should not be saloons as a man?

Mr. ROSENBERG. That raises the question I was aiming to illustrate, to wit—

Mr. LLOYD. I was only getting your views. I recognize that you are a very intelligent man, and I wanted to get your views.

Mr. ROSENBERG. I appreciate that, and I appreciate the compliment, and I say that what you say is manifestly correct, and any lady in your family or my family is as well qualified to determine whether there should be a barroom in the neighborhood or not, or whether there should be one in the District or out of the District; but take your wife or my wife—and in saying that, of course, I am impersonal, because I have not had the pleasure of your acquaintance previous to this morning—and are they not neglecting the needs of the young ones at home, and ought they not to stay at home and look after their welfare and intellectuality? Now, if that is true, so far as you and I are concerned, the assumption emphasizes itself when it reaches the stratum below our standard.

Mr. LLOYD. Do you not think it is a moral question, and is not a woman just a little bit better qualified to pass upon this question than a man?

Mr. ROSENBERG. No; I question that. I say that by reason of her domesticity her views are perhaps narrowed more than those of a man, who has more worldly experience and has probably seen more of the world than a woman.

Mr. LLOYD. In other words, by reason of her surroundings, she would really have more of the moral virtues than a man?

Mr. ROSENBERG. Yes; that is true. I say that a man engaged in commercial or professional matters on the outside sees the world as the woman does not see it. There has been a curtain drawn between her and that part of the world, and for that reason she is less capable of passing on those questions.

Mr. JOHNSON. I take it you have studied the Underwood referendum?

Mr. ROSENBERG. I have examined it in a cursory way. I have not studied it carefully, Mr. Chairman.

Mr. JOHNSON. I was wondering if you could tell me why it was that with the secret ballot prevailing all over the country, it being nowhere repealed but everywhere advanced, the Underwood referendum does not provide for a secret ballot, while it provides for a ballot.

Mr. ROSENBERG. I do not know. I do not know why it was that provision was put in there. It is presumed, impliedly, I take it, that any ballot is not to be a public ballot.

Mr. JOHNSON. Oh, yes.

Mr. ROSENBERG. You or I would not hesitate to go to the polls and vote if we had it this way or that way, but it is so unusual——

Mr. JOHNSON. Congressmen have been elected all over the United States, for many years, by an open ballot instead of a secret ballot. As late as 1891 we had no secret ballot in Kentucky. Members of Congress had to be elected by a ballot but not by secret ballot, and there was never known in that country an election by secret ballot until 1891, and in the beginning it was all done by open ballot. A man would just go in and pick up off of the table the printed ballot of the man he wanted to vote for and just drop it in the box, or the officers of election put it in the box. Under the Underwood referendum a ballot is provided for, but not a secret ballot.

Mr. ROSENBERG. I do not think that is material at all. I think if a man is afraid to show his colors he ought not to vote.

Mr. JOHNSON. That has been my contention all the time, that there ought not to be any secret ballot about anything.

Mr. ROSENBERG. Let him vote according to his convictions.

Mr. JOHNSON. But, nevertheless, the country has disagreed with me, and the secret ballot now prevails all over the country.

Mr. ROSENBERG. That was my impression, that in all cases a ballot, unless otherwise specified, meant a secret ballot.

Mr. JOHNSON. No; it means an open ballot unless a secret ballot is specified; it is just the reverse of what you state.

Mr. ROSENBERG. Speaking personally, I do not think it would be objectionable.

Mr. JOHNSON. You do not know why the amendment was written that way?

Mr. ROSENBERG. I do not; no, sir.

Mr. LLOYD. As I understand you, you are standing for the principle here of local self government, and insisting that it should be applied to the District as well as to other portions of the American Republic, including the Territories?

Mr. ROSENBERG. And I think one step toward it would be to frame a bill on this measure, and say that, as I have said, every male citizen over 21 years of age who has resided here one year, without disqualifying his home vote, should have the right to his vote upon this question.

Mr. JOHNSON. You would, of course, exclude aliens and those under disabilities?

Mr. ROSENBERG. Yes. That gets back to the question of your constitutional rights. If you exercise exclusive legislation, what does it mean? Does it mean that you have the right to do it, as I say, differing from the constitutions of the States, that the States should not legislate for the District because they are unfamiliar with the

local conditions, but the Congress, seated at the seat of government, are presumed to know what local conditions demand, and therefore they were given that right to exclusively legislate for the District and it would be a very simple form of legislation, and that seems to be supported by the authorities, which I have not examined, but which Mr. Davis called to your attention a few days ago.

Mr. MAPES. Do you see any element of unfairness in the proposition of allowing men who have been here a year, although they are here temporarily at best, to decide the question of whether or not the Capital of the country should be dry, and the men who live outside of the District who come here frequently but still do not reside here, although they have just as much interest in the National Capital as anyone, having no vote in deciding the question?

Mr. ROSENBERG. In answer to that I would say that the man who comes here frequently and has the same interests in the National Capital ought, probably, on general principles, to be accorded the same rights after he has been here a year; but you have to draw the line somewhere, and if you get to doing that it will be very difficult to fix the limitation that will enable you to carry out the law properly. You might have to investigate the standing of every man and scrutinize every man who came here occasionally.

Mr. MAPES. Is it not practically almost an impossibility to determine upon any equitable system?

Mr. ROSENBERG. I do not think so.

Mr. MAPES. And have not the people of the country a pride in the Capital in common?

Mr. ROSENBERG. It is very much like this: You may have a case of serious illness in your own family. You will feel it until it tears your heartstrings. As a friend of yours, I will have as much of an interest as it is possible to have without being a component part of your family. I believe that every citizen of the United States has an interest in the National Capital; but he can not have the same interest that we have here.

Mr. MAPES. The citizens of the United States maintain the Capital and have a personal and pecuniary interest in it.

Mr. ROSENBERG. Presumably that is true of every American citizen.

Mr. MAPES. They actually do.

Mr. ROSENBERG. I do not know. I presume they do.

Mr. MAPES. Every citizen helps to support it financially.

Mr. ROSENBERG. Well, we help, too. It is reciprocal. That question is reciprocal. We, locally, allow the Federal real estate to be here without taxation, which I understand just about equals the half and half.

Mr. JOHNSON. Does any other community tax Federal property?

Mr. ROSENBERG. I do not know, sir.

Mr. JOHNSON. If they do not, then this place is no exception to the rule.

Mr. ROSENBERG. It is an exception in this way, that this is the Capital of the Nation, and there is more Federal property here, probably, than in any other city; so that the Government property preponderates to such an extent here that there would hardly be a comparison with other places where there are only one or two Government buildings.

Mr. JOHNSON. How much of a Capital would there be here if the Government buildings were not here?

Mr. ROSENBERG. There would not be very much.

Mr. JOHNSON. Then you have these conditions here because the Capital is located here?

Mr. ROSENBERG. I concede that. We have no local industries here. But it has been restrained in that ever since the Capital has been here to make it what it is. If the Capital had not been here, we might still be that part of Maryland that was ceded, and there would be manufacturing and commercial interests here, probably enough to make up what we have acquired by the presence of the Capital.

Mr. JOHNSON. Seventy-five million dollars of public money is disbursed here by way of salaries, is it not?

Mr. ROSENBERG. Yes. That helps some.

Mr. JOHNSON. That is no handicap to you, is it?

Mr. ROSENBERG. No, sir; none whatever.

Mr. FOCHT. As I understand, you represent the allied business associations of the town?

Mr. ROSENBERG. I represent only one, the Retail Merchants' Association.

Mr. FOCHT. How many are there in that?

Mr. COLUMBUS. There are about 200 firms.

Mr. FOCHT. Now, in the absence of expressing their wishes here in the District by the referendum, what I am trying to get is the desire of the people of the District. You represent this large and prominent organization here, that is permanent here, made up of property owners and business men who are actual, permanent residents. You say they do not want the committee to report the bill, dry, and you want the District to remain under the present status?

Mr. ROSENBERG. No, I do not say that. I do not think you were here when I began.

Mr. FOCHT. I would like to know for my own personal information, and as a matter of record; because my vote will be determined by what the people want, and if you can not get a referendum, I want to know some other method of ascertaining that desire.

Mr. ROSENBERG. When I was requested to address this committee this morning, it was preceded by the reading of this resolution. Mr. Columbus, the secretary of the Retail Merchants Association, read this resolution, which shows that they voted unanimously for a referendum on the prohibition bill, a year ago, at a meeting specially called for that purpose. Then, being committed to that question, as I stated to the committee here, it would be necessary to refer to the other question, to wit, the question of prohibition as now enacted by the Sheppard-Barkley bill, in order to emphasize the need of a referendum. To that extent I have gone into the question.

Mr. FOCHT. I know, but that still evades my direct question. Is it your belief that the people of this District do not want the District voted dry? I have to vote that way some day, one way or the other. Now, how do you want me to vote?

Mr. ROSENBERG. My only answer to you is that that organization has not gone upon record on that, and I am not prepared to answer. It would not be fair to answer what I may think or what some other member may think. All I can say is, we have the evidence here of what they do want, and they want a referendum. In my judgment,

what I personally want, and how I think, the referendum ought to go; but my representation here is not for that purpose.

Mr. FOCHT. Then I get no answer on that question.

Mr. ROSENBERG. I am sorry I can not enlighten you as to that association.

Mr. MAPES. I want to ask you a question if Mr. Focht is through?

Mr. FOCHT. Yes; I am through.

Mr. MAPES. Whatever is done by Congress, you would want to be done for the benefit of, or to help the members of, this Retail Merchants Association?

Mr. ROSENBERG. Yes.

Mr. MAPES. About a year ago Senator Jones made a speech in the Senate, and at the time I was interested in looking over some of the facts he brought out. Among other things he quotes the editor of the Seattle Times to this effect:

My paper fought its damndest against prohibition. We fought it on economic grounds alone. We believed that in a great seaport city with a population of upward of 300,000 prohibition would be destructive; it would bring on economic disaster. We believed that under our system of licensing saloons we had the liquor traffic about as well controlled as it could be, and we wanted to let it alone, and so we fought as hard as we could fight. But, in spite of all we could do against it, prohibition carried, and it went into effect in Washington, January 1. We have had a month of it now.

And how has it worked out?

BUSINESS EXPANDED QUICKLY.

We already know that it is a great benefit morally and from an economic standpoint. Its moral benefit has been tremendous. Seattle had 260 saloons, and we had an average of 2,600 arrests a month for crimes and misdemeanors growing out of liquor drinking. In January we had only 400 arrests, and 60 of those were made January 1, and were the results of hang overs from the old year. That in itself is enough to convince any man with a conscience that prohibition is necessary. There can be no true economy in anything that is immoral. And on top of that great moral result we have these economic facts: In the first three weeks of January the savings deposits in the banks of Seattle increased 15 per cent. There was not a grocery store in Seattle that did not show an increase in business in January greater than ever known in any month before in all the history of the city, except in holiday time. In all the large grocery stores the increase was immense. In addition to this, every dry goods store in Seattle except one, and that one I have no figures from, had a wonderful increase in business. Each store reported the largest business ever done in one month, except in holiday time.

THE WOMEN AND CHILDREN PROFIT.

I wished to know in what class of goods the sales increased so greatly, and so I went to all the grocery and dry-goods stores to find that out. And to me it is a pitiful thing—and it makes me sorry that we did not have prohibition long before—that the increase in sales in all the dry-goods stores was in wearing apparel of women and children, and in the grocery stores the increase was made up chiefly of fruits and fancy groceries. This proves that it is the women and children who suffer most from the liquor business, and it is the women and children who benefit greatest from prohibition. Money that went formerly over the bar for whisky is now being spent for clothing for the women and children and in better food for the household.

It is just like this: When you close the saloons the money that formerly was spent there remains in the family of the wage earner, and his wife and children buy shoes and clothing and better food with it. Yes, sir; we have found in Seattle that it is better to buy shoes than booze. The families of wage earners in Seattle are going to have more food and clothes and everything else than they had before.

Mr. FOCHT. Who was it wrote that?

Mr. MAPES. The editor of the Seattle Times, who opposed prohibition for the State of Washington previously, but he comes out here, after a personal investigation, and makes these statements about conditions in Seattle.

Now, what would you say to testimony of that kind?

Mr. CARY. Permit me——

Mr. MAPES. Let the witness answer.

Mr. CARY. Permit me to interrupt. I want to answer your question in a way.

Mr. MAPES. I am asking the witness to answer it.

Mr. CARY. I want to ask this. As a matter of fact, the war prosperity must have had something to do with that, had it not?

Furthermore, he overlooked something, namely, the fact that the mayor and several of the members of the common council of the city of Seattle are now under indictment for bootlegging. [Laughter.]

Mr. MAPES. I suppose that the war had been going on for some little time, and it is strange that it would start to increase business in so short a time.

Mr. ROSENBERG. Now, what was your question?

Mr. MAPES. Have you ever lived in a prohibition territory?

Mr. ROSENBERG. I have lived nowhere except here.

Mr. MAPES. What do you say as to the testimony from men who are against prohibition, and who live in prohibition territory, giving testimony of that kind?

Mr. ROSENBERG. Just what I said here this morning. I have never been to Seattle. The conditions in Seattle may have demanded that just such a thing should occur; and find out if the conditions of the District demand it, and if they do, go ahead and enact it.

Mr. MAPES. In answer to that, Senator Thomas interrupted Senator Jones, and after giving some extracts here the following occurred:

Mr. THOMAS. If the Senator will permit me, I want to add to the statement of the Seattle Times, with regard to the effect of prohibition upon that city, the information which I received concerning the effect of prohibition upon the city of Denver where I live. My information is that its effect there—and it went into operation on the 1st day of January—is confirmatory in every particular of the account given of its effect and operation in Seattle.

Mr. ROSENBERG. That is probably true.

Mr. CARY. Mr. Mapes, I would like to ask you a question, please.

Mr. MAPES. Yes.

Mr. CARY. Where was this statement made by the editor of the Times. Does it state where he was when he made that statement?

Mr. MAPES. No.

Mr. CARY. My information is that that statement was made by him in Kansas City, and that he had not been in Seattle for two months before that time.

Mr. MAPES. He says that he went personally around to these different places to find out the conditions. I do not know where it was made.

Mr. ROSENBERG. I might say, also, this, that a newspaper article, whether it be in the news columns or in the editorial columns, should not be taken for granted. Any such statement of facts as that, if the real facts are to be known, should be confronted with actual witnesses. It may turn out that the statements are true, but whether they are or are not, I take it it must have been a very wicked city to have shown that great amount of drunkenness.

Mr. MAPES. It was a seaport town, and people are coming there from Alaska and going to Alaska and other places, and they thought they could not get along without the liquor business, and this man opposed it on that ground.

Mr. ROSENBERG. I think that the liquor traffic ought to be under certain restrictions. I think the restrictions under the Jones-Works bill are sufficient to guarantee decency in the community.

Mr. MAPES. Have you any information to controvert the fact that he speaks of there, and that Senator Thomas calls attention to in Colorado, and that others have testified to?

Mr. ROSENBERG. No, sir; I am not an advocate of either side of the question, prohibition or nonprohibition.

Mr. MAPES. I understood you to say that personally you were opposed to prohibition.

Mr. ROSENBERG. Yes. I am expressing my personal views only, and I want that understood if the committee please, and I am advocating the referendum as the representative of this association.

Mr. DARROW. Mr. Chairman, inasmuch as the committee has gone on record inviting Mr. Gibboney down here, may he be heard now? Is it necessary to have a motion to that effect?

Mr. JOHNSON. The committee has agreed to hear him.

Mr. DARROW. Yes.

Mr. JOHNSON. I think he ought to be heard, then.

STATEMENT OF D. CLARENCE GIBBONEY, OF PHILADELPHIA, PA.

Mr. LLOYD. Let us have an understanding about this. I understand that Mr. Gibboney does not appear especially at the instance of the persons who are representing the referendum.

Mr. GIBBONEY. I have no connection with them whatever. I am from Philadelphia.

Mr. LLOYD. And you are in no connection here with either side? You express here your own views?

Mr. GIBBONEY. My own views; and I have some on this question.

Mr. JOHNSON. Please give the stenographer your name and address.

Mr. GIBBONEY. D. Clarence Gibboney. Philadelphia, Pa., 920 Walnut Street.

I am president of the Law and Order Society of Philadelphia. It might be well, as a foreword, to explain to you gentlemen the object of the operations of that society. It was organized in 1883. It is the oldest law and order society or organization or anything of that kind in the United States. It was organized particularly for the purpose of bringing about an enforcement of the liquor laws in the city of Philadelphia. When it began its operations in 1883 there were 6,000 licensed retail saloons in that city. Hundreds of them were violating the law. They sold on Sunday and they sold to drunken people and to minors; to anyone that had the money. As the result of the work of the law an order society an infinitely better condition has come about.

Mr. JOHNSON. How many saloons have you now?

Mr. GIBBONEY. Instead of 6,000, we have 1,910. Whereas, before the passage of the Brooks high license law in 1897 there was not 1 per cent of the places in the city that did not keep open on Sunday, and some of them were concert halls and places of the lowest character; there is not a place to-day where a man can go on Sunday and buy a drink, and there is no place that will sell liquor to children, and those who are familiar with the affairs of Philadelphia consider that we have the best regulated licensed places in the country, perhaps, not excepting Washington. I personally, since I have been the executive

of our society, have instigated the prosecutions of some 20,000 people for violations of the law, for maintaining brothels, disorderly places, speakeasies, blind tigers—whatever you want to call them—without a license to sell liquor, and we are still on the job.

I want to thank you, Mr. Chairman and gentlemen of the committee, and particularly Mr. Darrow, the Congressman from the district in which I live, for this opportunity of addressing you on this bill, and in order that I may not repeat, and more important still for the purpose of emphasizing as strongly as possible my views, I have reduced them to writing, and will be glad to answer any questions.

I am an opponent of the proposed measure. I speak for the cause of real temperance, and upon that ground, and in behalf of that cause, urge that your legislative action shall be consistent with common justice, and, to that extent, divert into honest, equitable, and effective channels the big drive now being made in this country toward the elimination of the liquor traffic.

I ask nothing more nor less, gentlemen, than that this committee and this Congress—the highest law making body in the land—shall proceed upon the fundamental principles of equity to lay the groundwork for the ultimate and effective and permanent and honest abolition of the liquor business in the entire United States.

I am opposed to this measure because it not only fails to do that, but if enacted into statute would make law the instrument of the most dangerous sort of injustice, and instead of aiding would hinder and obstruct honest prohibition upon a broader scale.

In the first place this bill was passed by the Senate and now comes before this committee of the House of Representatives without the people of the District of Columbia, whom it is designed to affect, having been permitted any voice in the proceedings or the slightest opportunity to indicate whether such an act would or would not have the support and sanction of a majority of the community.

In a matter so inseparably involving the rights and liberties and personal habits and desires of a people obviously and beyond the possibility of successful contradiction this is absolutely antagonistic to the whole theory and principle of a Government such as ours, which from the beginning has "rested upon the consent of the governed."

The proposed action would substitute for democracy the most dangerous form of paternalism, and in so doing would at the same time reincorporate into our national life and in a legislative way sanction the hated principle of "taxation without representation," which we once wiped out with the blood of the nation, the opposition to and the refusal to accept which well might be said to have formed the cornerstone of this nation.

It seems to me that at no time could Congress afford to sanction such procedure and that particularly it is to be frowned upon and summarily rejected in this hour of the country's crisis when unquestioned respect for the wisdom and justice of the Government is to be desired above all things and when at any moment national unity may be the instrument through which national honor and integrity are to be sustained and conserved.

The objections can not be overruled nor could the potential wrongs of such a law be righted by saying, as is being said by some, that the Congress of the United States throughout the entire past has been the lawmaking body for the District of Columbia.

I bow to the superior knowledge of you men in an interpretation of the Federal Constitution, but as a lawyer I am frank to say that I find nothing in that section which gives to Congress the authority "to exercise exclusive legislation in all cases whatsoever over the District," to discourage, much less prohibit, the holding of a referendum in which the people of the said District might be permitted properly and with legal safeguards to register their approval or disapproval of a law such as this which Congress has proposed for them.

Gentlemen, that is mere Americanism; nothing more, nothing less. I ask, therefore, can you, with a clear sense of duty and justice, even though so permitted by the letter of the law, ignore the spirit of the law and deprive the people of one section of this country of an inalienable right held by the people of every other section of the same country?

I fail to see how such action could be made consistent with clear reason or sound logic, or that spirit of American justice and patriotism which we will not allow any other people to flout.

These are days when much is being said, when the blood of men is crimsoning half the world, and human life is held cheaply in the balance against "inalienable rights." It seems to me that we could not do better at this time than to practice at home that which we have insistently, and sometimes loudly, proclaimed to the chancellories of every other nation on earth.

This measure proposes, without the consent or approval of those to be affected, to deprive a large number of American citizens of certain personal privileges which have been theirs to use or reject since the Nation came into being, and for many years even prior thereto. I say to you that no matter how desirable a prohibitive law may be—and surely I do not underestimate its desirability, nor would I do anything but with my utmost ability urge and aid the passage of such a law, based upon that sort of justice which carried with it the promise of permanence—great dangers lie behind the methods by which it is attempted to be enacted in this instance.

If the question of personal rights—the right of the majority first to indicate to the law making body its own desires on the subject—was the only one involved in this issue, I repeat that question in itself still would be sufficient to justify a rejection of this proposal by this committee and the House of Representatives.

But there is another and more far-reaching issue involved in this measure. It is the question of property investments and property rights, legally made and legally held.

You are confronted with the necessity of an analysis of the entire liquor business—what it is, who are engaged in it, and who legalized it—if you are to act with knowledge, deliberation and justice, and, as I already have said, by that action greatly aid the real temperance movement that aims at ultimate and permanent and effective and honest abolition of the liquor traffic of the whole United States.

This bill plans permanently and beyond redress virtually to confiscate many hundreds of thousands of dollars worth of property values, and of property investments, legally made and legally held, without providing for a penny of compensation being granted to those who made those investments under the sanction and under the full protection of the law.

It is not even urged that violation of the law by the one party, the liquor men collectively, is the justification for an utter disregard

of law and the principles and precepts of justice by the other party, the people collectively, acting through their Government.

As a matter of fact, no argument is offered, no excuse is given, no alleged justification is put forward, in extenuation of this proposal deliberately to deprive a certain class of American citizens—certain American citizens engaged in a particular business—of properties established and money invested for the conduct of a business not only condoned but actually invited by law.

Mr. LLOYD. May I ask you a question in that connection?

Mr. GIBBONY. Yes.

Mr. LLOYD. Suppose this matter was submitted to the people and the people should say that this bill should be enacted into law?

Mr. GIBBONY. That would relieve the situation in part. If the people themselves would be foolish enough to vote for an act that would result in the destruction of their own property, then, not being a resident of the District of Columbia, I would say, of course, let them have what they want.

But that is not the situation. It is all right to vote whether or not you shall have the legalized sale of liquor in a community that has never legalized it, but when the business has once been legalized, and the people have restated and taken action to revote on the thing, then if a crowd of citizens get together, influenced by some politicians, and stir up a sentiment and make a lot of talk as to whether or not that business should exist, and if they should have a majority, as sometimes a majority can be gotten together, and make that thing illegal and destroy that property and investment that was legally made, that is the chief thing that I am opposed to.

Mr. LLOYD. But if you—

Mr. GIBBONY. I wish you would let me get through, if you will permit, before you question me.

Mr. LLOYD. Very well.

Mr. GIBBONY. Gentlemen, as I said before, you are called upon to consider and recommend the solution of a problem far greater, much bigger, than might appear upon the surface. As a preliminary to that solution are you quite sure that you have gotten down to the elementals and the fundamentals of the entire proposition?

Have you ever asked yourselves, and answered for yourselves, the question:

Who established the legalized liquor business in the United States?

If you haven't asked yourselves that, or asking haven't answered the question, permit me to put the reply for you.

We did.

We, the people of the United States and, in lesser units of the States of the United States, established and from the moment of establishment have maintained the legalized liquor business of this country.

But far more important and to the point than that, we have throughout that entire period and at every stage of the procedure been not only the profit-sharing partners, but the dominating and term-naming partners of the legalized liquor business.

No man can deny that. No man who has given the slightest thought to the question would attempt to. It is written into the records and the history of this Nation in flaming, whisky-red letters, and it only can be effaced by a process of equitable elimination.

It seems to me that the great fallacy, the great injustice, and ultimately the cause of the great failure of all our efforts toward an abolition of the liquor business lie in the fact that either through ignorance or deliberate design we pretend to place all the responsibility for the asserted evils of the liquor business upon those who engaged in it only after we had made that business a legal and law-sanctioned and law-protected one.

Have you ever realized, gentlemen, that the liquor business only was engaged in by reputable and law-abiding citizens in this country after we had made that business legal?

Have you ever realized that when we made the business legal we at the same time established ourselves as the lawful and profit-sharing partners of those who, now characterized as the liquor men, were nothing more nor less—are now nothing more nor less—than our agents in the business?

To say three hundred millions of dollars is to speak in rather large figures, even in these days of great national wealth and sudden and vast private fortunes, yet that figure represents only what the United States alone took last year from the liquor business as its prearranged share of the profits from the whisky and wine and ale and beer and gin business.

You men who have sat in the Nation's legislative halls know without my telling you that not only have we, year in and year out, largely financed our Government from the proceeds of rum, but that in every national emergency we have looked to, and absolutely depended upon, the liquor business as a surer source of income than anything else, to carry us through the hour or the year of financial or even national or governmental crisis.

The whisky business may be, as some men say, a plague. From one aspect it undoubtedly is. But it is a plague from which we have not been too good or too moral or too righteous or too conscientious to take a large share of the profits for our national subsistence. If it is a plague now, it was equally a plague when we established it and made it legal, and the danger of it was known then as well as it is known now. It is the same traffic, attended by the same evils, and the business is the same now as when we established and legalized it.

Mr. JOHNSON. Would you mind stating there when the Federal Government legalized it?

Mr. GIBBONEY. The very first official act of George Washington was to send a troop of cavalymen to Pittsburgh to quell a riot caused by the imposition of a special tax on whisky. We have never been without it. There has never been a day in the history of this country that the liquor business was not taxed, and therefore made legal in this country.

Mr. JOHNSON. Are you not mistaken in that?

Mr. GIBBONEY. I think not. In Pennsylvania, under the Duke of York, the judges of the Court of Quarter Sessions granted liquor licenses. When William Penn obtained his grant from George III he obtained the right to have liquor licenses issued by the judges. One of the chief legislative acts of our legislative assembly, held in Carpenters Hall in 1810, was to pass an act legalizing the sale of rum, and since that it has been as legal to sell rum in Philadelphia, Pa., as it is to preach the Gospel or practice law or medicine, or carry on any other business. We are the biggest hypocrites on earth on the whisky question.

Mr. JOHNSON. Do you not know that at the beginning of the Civil War there was no tax on whisky?

Mr. GIBBONEY. I know this, that they went to Abraham Lincoln, President of the United States, and pleaded with him to stand for a big tax on beer and other alcoholic drinks, and he would only agree to it when the representatives of the Government pledged to him that it would be removed as soon as the rebellion was over; and they did not intend to keep their word then, and they never have intended to keep it, and the tax has been increased since then.

Mr. JOHNSON. You have made the statement that the Federal Government legalized the business. I would like to know by what act it legalized it.

Mr. GIBBONEY. I can not give you the particular act, but I would be very glad to furnish it to you. I do not think there has been one year in the whole history of this Government that it has not been legal to distil whisky and manufacture beer. There has never been a time when we have allowed them to distil whisky or make beer that we have not demanded and gotten in advance a share of the profits.

Mr. JOHNSON. If I understand it correctly, the situation is and has been this, that at no time has the Government ever held that it was, per se, wrong either to manufacture, sell or drink it. When I say drink, I mean to drink it moderately.

Mr. GIBBONEY. Mr. Chairman, the Supreme Court of the United States has held in the Muggler case, a Kansas case, that it is entirely a matter of police regulation, if at all, and that if a license is granted, it is entirely within the province and power of the authorities of the State, and of course can be discontinued.

Mr. JOHNSON. Yes; but the State licenses, and the Federal Government does not.

Mr. GIBBONEY. We tax it, which is beating around the bush. Anyhow, we get the money. We get over \$300,000,000 every year from it.

Mr. JOHNSON. Yes; but you stated that the Federal Government has legalized the business.

Mr. GIBBONEY. I say that advisedly, with the best knowledge that I have. Of course I may perhaps put a different interpretation on the word "legalize" from what you do.

Mr. JOHNSON. When you say "legalize," if you can not point to any act that legalizes it, can you not give us the substance of any act, and the date of it, that legalized it?

Mr. GIBBONEY. I can not give you the substance of the act. I will be glad to furnish a brief on the subject.

Mr. JOHNSON. You do not mean that because the Government imposes a tax upon it, the imposition of the tax legalizes it?

Mr. GIBBONEY. That is partly what I mean; and I mean that when the United States Government goes into a deal by which they demand a share of the profits on the sale of rum before the rum is sold, and get it, they are in league with the business, and legalize it. Why, Mr. Chairman, there is not a distillery in this country—

Mr. JOHNSON. You think that the more obstacles they put in the way of its manufacture and sale, to the greater extent it is legalized?

Mr. GIBBONEY. Is it an obstacle to get two-thirds of the value of a gallon of whisky out of its manufacture?

Mr. JOHNSON. Yes; an obstacle in the way of its manufacture.

Mr. GIBBONEY. In your own State, you will bear me out in this, that there is not a distillery in the country that is not practically run by the Government. They have their inspectors and gaugers right on the job; and if you had a distillery to-day and made a thousand barrels of whisky, you could not sell a gallon of it until Uncle Sam had put his stamp on it, certifying that he had his.

Mr. JOHNSON. In what way would you determine the quantity so that the Government might get its tax, except by having it gauged?

Mr. GIBBONEY. The way I would have them determine it would be—I never have had anything to do with it, but unless——

Mr. JOHNSON. When was it legalized by the Government, again?

Mr. GIBBONEY. When? When the Government imposed a tax on it in the beginning; that is when they legalized it.

Mr. JOHNSON. The imposition of the tax, then, according to your opinion, legalizes it?

Mr. GIBBONEY. Yes; it does. Yes; and monopolizes it.

Mr. JOHNSON. Then your position is, in the final analysis, that it was not legalized or not recognized as legal before the tax was imposed?

Mr. GIBBONEY. That is what I think, yes; not by the Government as a profit-sharing business proposition.

Mr. JOHNSON. Now, when the Government imposed no tax upon it and held it not to be wrong, was not that more recognition, in the way of legalizing it, than to impose a tax upon it?

Mr. GIBBONEY. No; I do not think so.

Mr. JOHNSON. You do not think so?

Mr. GIBBONEY. No, sir.

Mr. CARY. May I ask you a question?

Mr. GIBBONEY. I would like to finish my statement.

Mr. CARY. I think you want to get this. Is it not a fact that in the second administration of George Washington the Government subsidized and helped to build breweries?

Mr. GIBBONEY. Yes; I think it is true, and I think Mr. Washington knew something about the distilling business, and so did William Penn. know something about the brewing business, and it was never considered a disreputable thing to be engaged in the manufacture of beer or distilled liquors in those days. On the contrary, the man who could distill the most whisky and the man who could brew the most beer was considered a patriot and a benefactor, and he contributed a whole lot of it to the cause of the church. He was a good citizen in those days. But now a little politics have become injected into the thing, and we are being prodded, some of us politicians, and we are getting exceedingly busy on this subject, and we do not care about anything but we want to get rid of the liquor man; and we do not care, when we want to get rid of the saloons and put them out of business, whether we destroy every dollar of their business or not. We seem to have lost ourselves completely in this matter.

Mr. CARY. At the same time a lot of public works were financed by liquor men.

Mr. GIBBONEY. Yes. The steeple on Old Christ Church in Philadelphia was built with money obtained from gambling games; and they have not torn down the church because that was done.

Mr. JOHNSON. You do not approve of that, do you?

Mr. GIBBONEY. No; I do not approve of it. I do not approve of the liquor business, and never have done so. I never took a drink of it in my life, and I can not understand how an intelligent citizen-

ship and government can legalize such a thing as that for profit; but I am also broad-minded enough, and I think red-blooded enough and honest enough, or I hope so, to not destroy the business of my partner—the Government's partner—and say to him, "You get out. I have hit the trail on the rum business. I have quit. Now, you get out. We are going to clean up and reform and make the United States a mighty clean place at the brewers' and distillers' expense." That is cowardly, and it is not red blooded, and I am opposed to it.

Mr. HILLIARD. You are sure you are opposed to it?

Mr. GIBBONEY. Yes; I have no doubt about it; and any citizen in Philadelphia can come here and testify that I am honest about it.

Mr. HILLIARD. I just wanted to be sure that you were sure of it.

Mr. GIBBONEY. Yes; I am sure of it.

Mr. MAPES. Is there any way you would get rid of it?

Mr. GIBBONEY. Yes. If I were one of you men, and if I had power to do it, and I hope you see what I am sure that some men do see, you ought to make the liquor business in Washington illegal, and you ought to prohibit it altogether, but in doing it you must be fair and square. You must have for that kind of legislation some sort of a plan by which you can say to these men, "Go to such and such an authority, into court, prove how much you have got invested, and we are going to make some provision for that so that you will not become a pauper. We do not intend, for the benefit of the whole community, for the benefit of the United States, we do not intend to let the 287 men pay the whole cost of it. We are going to be on the square, and we are going to go down in our own pockets and divvy up a little bit on the cost of this." That is the honest way to do this thing, and you can not do it honorably in any other way.

Mr. MAPES. Could you put a value on the services of the laboring men who were engaged in the service?

Mr. GIBBONEY. If you wanted to be very extreme, if you wanted to go to that length, why you could pension the widow of the drunkard who has become a drunkard because of this liquor business in which the Government is a partner, and take a little out of the Congressman's salary and the President's salary, and the salaries of all the officers of the Government, to pay for that. I would give a little if the extremists wanted me to.

Mr. MAPES. I agree with you. I think anybody would agree—

Mr. GIBBONEY. I want to say, too, that George Washington and William Penn and old Benjamin Franklin, if they could understand the kind of a game that is being pulled off in some of the States of this Union, and even in the United States Congress and Senate, in favor of the absolute destruction of legal investments, would more than turn over in their graves. They never contemplated such a thing—never dreamed of such a thing.

Mr. JOHNSON. You seem to be as vehemently opposed to the liquor traffic as anybody.

Mr. GIBBONEY. I am; but I am on the level about it. I am not like the rich young man who came to the Saviour and said, "Lord, what shall I do to inherit the Kingdom of Heaven?" He was the young Rockefeller of his day. He had his pockets bulging with bonds and his fingers covered with diamonds, or whatever they had then. And the Lord sized him up, and he said, "Keep the commandments." That hit the young man just right and he was full of smiles, and he said, "Lord, all these have I kept from my youth up." Then the

Saviour put the test to him: "Go, sell all that thou hast, and give to the poor." And I have yet to see anyone point to the place in the Book where that young man's name is mentioned again. Oh, no; he wanted decent things, and reform, everything clean, but he would not spend a cent to get them. That is the way with a lot of good people in this country. They want prohibition, but they want the poor rum dealer, who has been buncoed into thinking that the business was a good business and a legal business because Uncle Sam said it was, to pay the freight, and then go around and sing doxologies and thank God that they are citizens of Uncle Sam.

Mr. HILLIARD. You say it is not a decent business?

Mr. GIBBONEY. I have not said that it was not a decent business, but there are a lot of indecent things that grow out of it.

Mr. HILLIARD. Would not that sermon that you just told about, of the young man, be a good thing to deliver to the brewers and distillers, then?

Mr. GIBBONEY. If this business is put out of commission, you know as well as I do that the brewer will be subject to his share of the expense, as much as you and I. We are all taxpayers, and we will all be taxed to pay for it. But the liquor people pay more taxes than any others. They pay every tax that you and I pay, and then they pay the rum tax and the rum license. They pay their rum tax and real estate tax, and every tax that you and I pay, and they will have to pay just as much as you will on this.

Mr. HILLIARD. But when you are sermonizing—

Mr. GIBBONEY. I am not sermonizing. I am stating facts.

Mr. HILLIARD. I beg your pardon; I apprehended that you were sermonizing.

Mr. GIBBONEY. I may not be able to preach such a bad sermon, at that. I am a Methodist.

Mr. HILLIARD. Yes; I am a Campbellite.

Mr. GIBBONEY. They are just as strong hearted, sometimes, as the Methodists.

Mr. HILLIARD. It does not make any difference how we get there.

Mr. GIBBONEY. In the religious forces the Campbellites are the navy and the Methodists are the army. [Laughter.]

Mr. HILLIARD. And we are spending a whole lot on both.

Mr. GIBBONEY. We all like to toot the horn once in a while, and beat the drum, if we can get on the band wagon. I wish you would permit me to finish. I am so much interested in this, and I have something to say to you, and I want to pound it in and ram it down. I would be glad to sit here with you a week. It is a big enough to stay here on a week, too. It is the biggest thing you have got before you this session, and it is a man's fight, and it has got to be settled like men settle things, not like a lot of anarchists. The people have gone bug-house on the rum question.

Mr. HILLIARD. Have you come to appear here for the liquor interests of the country, and to say to the Congress, "If you will pay us what we have invested, we will get out?"

Mr. GIBBONEY. No; I never represented the liquor interests, and do not want to.

Mr. HILLIARD. Then what reason have you for the suggestion that you have made that they shall be reimbursed?

Mr. GIBBONEY. That proposition is not a new one, at all. It is academic. I made this suggestion in the city of Philadelphia 20 years

ago. I have stood for this; and I will tell you why. I have the same view of this that Abraham Lincoln had of the slavery question. Away back in 1849 Abraham Lincoln was considered a pretty level-headed man, in these parts down here.

Mr. HILLIARD. And he never got over it.

Mr. GIBBONEY. He advocated the reimbursement of slave owners one hundred cents on the dollar for their slaves. He was not niggardly about it. He said one hundred cents on the dollar. And we did not license slavery in those days as we license the rum business.

Then when Lincoln was elected as a Member of Congress he introduced two or three bills of which I have copies, or excerpts, here; and then after the war began, as late as 1862, the sainted Lincoln introduced a message in both the Senate and the House pleading with them to issue 6 per cent interest bonds to pay the slave owners for the loss of their slaves. But the Northern reformers, who did not have a dollar invested in a colored man, and the Northern abolitionists said, "No; why should we be taxed to reimburse the owners of these horrible creatures? We will not stand for it." Abraham Lincoln estimated that it would cost \$3,000,000,000 to pay for every negro in slavery. But no; these Northern reformers without a dollar invested still said no; and it cost three billions of dollars for the war and it cost the lives of 300,000 men, and we have been paying \$180,000,000 a year in pensions for over 50 years; and it ruined the South, which has not yet recovered. Why? Because we were like the rich young man; we wanted to abolish slavery, to free the poor colored man, and we wanted his owner to stand all the cost. Hypocrites then; hypocrites now.

Mr. HILLIARD. Did the owners of the slaves offer to give them up if they were paid?

Mr. GIBBONEY. They ought to have been forced to give them up for a square deal.

Mr. HILLIARD. They were forced to give them up; and so should the liquor dealers be forced.

Mr. GIBBONEY. They will probably be forced in some places; but I believe that the red-blooded, honest people of this country will not stand for it in the liquor case as they did in the case of slavery.

Mr. HILLIARD. The red-blooded people of this country are going to do things, and you may get run over with the rest.

Mr. GIBBONEY. I may. They will have a long distance to travel if they commence at one end. [Laughter.]

Mr. MAPES. Did your organization, when it reduced the number of saloons in Philadelphia from 6,000 to 900—is that right?

Mr. GIBBONEY. From 5,773 down to 1,910.

Mr. MAPES (continuing). Did you have violators of the law?

Mr. GIBBONEY. Every man that lost his license was given his chance with the court, and we proved that he had violated the law.

Mr. MAPES. Did you pay them for their losses?

Mr. GIBBONEY. No; they were violators of law. Some of you here—I am impersonal about this, of course, but the Congress of the United States is seeking to put out of business 287 men—I don't care whether it is 1 or 500—without even a hearing. I have never gone after a crook to hale him into a court of justice without letting him produce his evidence to meet mine. That is the manly way to do this thing; not back in the legislative chamber where the other fellow has no show.

Mr. MAPES. But is it not the policy of the city of Philadelphia now to limit the number of saloons to a certain number, regardless of whether the saloons violate the law or not?

Mr. GIBBONEY. It is not. Any man in the city of Philadelphia that violates the law, and any citizen complains of it, he comes to me; and I have attended every session of the license court in the last 20 years. Not a single license case has been tried that I have not been there, and I hope, if I live until next month, to be present again at the annual session of the license court.

Mr. MAPES. Is there not any other court that can be held in Philadelphia for that business?

Mr. GIBBONEY. The number of licenses is limited only by the evidence that appears before the court. There is no law that limits the number to one for every thousand, or anything of that kind, of the population.

Mr. MAPES. That is unusual, is it not?

Mr. GIBBONEY. No; I think not. The men engaged in that business, sirs, were the ones who toed the mark and produced the revenue at our every demand. They were welcome and respected and patriotic cooperators then. Are they conspirators and dangerous criminals now? If the liquor men have suddenly metamorphosed into conspirators engaged in a dangerous and criminal business, justifying the treatment now being accorded them, what, I ask you, is the position of this Government, which has been engaged with them in the same business in a partnership for profit?

The business has not changed. Its effects are not different. The law is the same. Only our own moral conceptions and political attitude recently have undergone a change. Can we, because of that change in viewpoint, with any sense of justice or any expectation of cooperation or success, or with any degree of self-respect, say now that we, the big money-getting partners in the proposition, demand an abolition that would leave with us all the millions we have taken from the business without having invested a dollar in the business, and not only give nothing to the other partner, but actually deprive him not only of his means of livelihood, but also of the investments made to insure that livelihood?

I want to ask you gentlemen this. Did you ever know that in every brothel, in every club, in every speak-easy, or blind-tiger in this country where liquor is sold without a license, the Federal Government has collected its rum divvy, even if the city or the county or the State has not?

And did you ever know that in every such house of prostitution or other illegal dive or den Uncle Sam—and that means us—has placed his sign of revenue collection, as evidence that he is a partner there in that business of moral and physical destruction? I have brought about the arrest of a good many crooks in Philadelphia—

Mr. JOHNSON. Are you advocating the continuance of that?

Mr. GIBBONEY. No; I am simply saying that to you for this reason. We are not so clean-handed in this rum business. The argument is made that because rum makes men drunk, and when they become drunk they become criminals and dissolute, and therefore charges on the community, the saloon keeper must be penalized, and not only penalized but be ruined, and we sit off with folded arms; but we are particeps criminis in any drunkenness that comes about in that way,

and we can not get away from it, and we have no business to throw stones at the rum people.

Mr. JOHNSON. Is not your appearance here to-day in favor of its continuance?

Mr. GIBBONEY. It is not. I am willing to go down in my pocket and cough up my share, if you can tell me how much it will be. I think that every man in this country who has a son or a daughter or a wife that he has any respect for ought to be willing to pay his share toward getting rid of a business that does more harm than anything else in the territory of this country. But we have got to be on the level about it, because we bamboozled and buncoed these men to put their money in this business; we buncoed them into thinking that it was a legal business. I take it, gentlemen, if we legalized houses of prostitution in order to derive a revenue from that source and required the women, the keepers of houses, to pay us our share of the profits in advance, and then we abolished that business and it took the people of Washington a good while to get back out of that condition, there can be no doubt that we ought to go down in our pockets and pay for it. This is the only country in the world that has tried to do what is being attempted to be done now.

Russia, regarded as the land of autocratic oppression, acquired the vodka business by purchase in 1862, and in a night, after the outbreak of the present war, clamped the lid of sobriety upon that nation without a single dollar of property loss to any individual, for the reason that, it being a government-owned business, no individual had any money invested in it.

In 1915 France destroyed its absinthe market, but in so doing compensated the distillers and the dealers whose property investments were destroyed or depreciated through abolition of the business.

Montreal and Quebec, in Canada, in 1915, also decided to reduce the number of saloons in those Provinces, but in so doing they set a standard of compensation for the reimbursement of those to be ousted from a legalized business in which they had violated none of the government imposed legalization qualifications or restrictions.

Australia and Denmark—we are not accustomed to look upon either as great powers or the preceptors in important governmental actions—both have adopted and put into operation systems of abolition of the liquor traffic, with compensation for the property values thus destroyed.

We stand alone in the galaxy of nations—we, the free and liberty-loving United States—as the only one under God's sun that, having established and profited by the liquor business, having invited men to engage in it entirely under terms of our making, attempt to end that business with all the profits remaining in the Public Treasury, and all the losses saddled upon the men who thought, and had every reason to believe, that they were law protected when they engaged in a law-abiding way, in a law-sanctioned business.

Sometimes men fear being swindled and tricked when they engage in a partnership business. But certainly citizens have a right to expect a square deal when they enter into a business arrangement with the United States of America.

Can you expect permanent or effective prohibition by such methods as are proposed in this bill? Can you ever divorce booze and politics by such means? Is there any justice, any equity, any American spirit of fair play in such procedure?

I speak in the cause of temperance and national prohibition, gentlemen, but I want to see it come to stay, and I want to see it made effective by the hearty cooperation and the honest effort of every law-abiding citizen.

The Bible tells us that no house can endure that is built upon foundations of sand. Jesus Christ was the world's greatest teacher, and He preached justice and equity and square dealing. He never sought to gain converts or an advantage by sharp practices or under-hand dealings. He it was who said to the world, "Render unto Caesar the things that are Caesar's and unto God the things that are God's." He it was, too, who gave to the world the great precept, "Let him among you who is without sin cast the first stone."

We of America stand upon a self-erected platform of justice and human rights. We gave to mankind the first government guaranteeing the real principles of personal liberty and property protection to each individual.

Our forefathers fought and bled and died, but conquered and rejected taxation without representation."

Many of our own fathers in the tremendous civil conflict brought about when the so-called moralists of the North, having nothing themselves at stake, demanded the confiscation of human property held in the South, but ignored the wisdom and the pleas of that great American, Abraham Lincoln, who urged acquisition by Government purchase, and ultimate freedom for the black slaves by compensation.

Gentlemen, in the bill before you to-day you have incorporated both of the most hated principles that an American ever was confronted with—taxation without representation and confiscation without compensation.

As an advocate of national temperance, as a worker for real prohibition, as an American desiring American justice and American patriotism above all things, I ask you to report this measure with your most emphatic rejection, except and only that it first be approved by a majority of the qualified electors of the District of Columbia participating in a referendum on the subject; and if I was a member of the committee I would add to it that I would never vote for the destruction of the liquor business in this country without compensation under any circumstances; and there ought to be added here a recommendation that it is high time that the citizenship of the United States wake up to the fact that they have a great responsibility in this matter, and that when the legalized liquor business is put out of commission the men engaged in it, gray-headed men some of them, men who do not know anything else, men raised in families where they drank liquor at the table, men who did not have a good mother as I had, and as I take it the chairman and some of the rest of you here had to teach them, men who were led by precedents and by legislation and everything else under the sun to believe that the liquor business was a safe investment, shall not lose everything they have. I say it is high time that the people of the United States got rid of the business.

MR. CARY. I have been very much interested in your argument and I would like your views as to what you would have the compensation cover.

MR. GIBBONEY. I will tell you; I would have compensation cover every single solitary thing that a fellow citizen paid money for when he went into the rum business. For instance, if he leased the prop-

erty, I would do like they do in England; I would pay him, for the unexpired portion of his lease, the fair value. I would pay him for the stock of goods he had on hand, for the unexpired portion of his license, and a certain amount for the amount paid for the good will of the place. I would pay him for his time, if possible, something. I would make him first prove that he had not become a millionaire out of the business. If he proved that he had become a rich man on this thing, he would not get a whole lot; but he would get something. Suppose that I owned a house on a street here and you people went and widened the street, and it necessitated taking 10 feet off the end of my lot, there is not a man in Congress who would not say I should have compensation for that; but if I have got a gin mill where I am selling rum to my fellow citizens, and paying the tax to the Government and doing the things that Congressmen themselves will not do, and I hand over a part of the profits, and I paid \$25,000 for it; that is different. If you want to widen the street you will not take my corner lot and not pay me anything. That is the sort of thing. We did not get that while we were on our knees talking to the Lord, but we got it while talking to the corner politician as to how we could rig up a scheme to get something for nothing.

Now, in Switzerland they compensated the employees on the places that raised absinthe, and they reimbursed the distillers. They are not at all mean about it. They are doing it on the level, like Americans should do those things.

Mr. CROSSER. I think it has been suggested that the workers in this business ought to be compensated. I wish you would give that a little more in detail.

Mr. GIBBONEY. Suppose you were a bartender at the Willard. This is impersonal, of course. Suppose you or I or anybody here was a bartender at the Willard, and you had been there for 10 years as a bartender, and you were a good bartender, and you had given satisfaction; and you had a wife and a child dependent on you, and the people in Congress come along, and to satisfy the demand suppose there was some Congressman from Washington State, or Nevada, or Utah, who happened to live in a place where a saloon is worth about a dollar and a half, and the people out there had voted to make it dry, and he had been sent down here by the people at home, and he thought he was a fine fellow, and he voted the District of Columbia dry, and you lost your job that you had held for 10 years; there ought to be some provision made to compensate you, if for nothing else in order that the Congressman when he goes home should have some satisfaction at least in saying that he had done his duty. [Laughter.]

Mr. CROSSER. My question was, how you would measure the compensation.

Mr. GIBBONEY. You would take into consideration the wages, what the man was getting, how long it would take him to get another job. If it took him only a week or two to find another job he would not be entitled to much compensation. It should be measured just by the actual loss. I would not agree to give them one solitary penny that they could not prove by the same kind of evidence that is taken in any court of justice that they are entitled to.

Mr. CROSSER. Your proposition is just to pay the damages?

Mr. GIBBONEY. Just to pay the damages; not to be small about it, and not to go around and say, "Lord, we have wiped out the curse

of rum. We have made it easy for our citizens to raise their sons and daughters. They do not have to run the gauntlet of the saloon." [Laughter.] I imagine, Mr. Chairman, when the last day comes, and all the prohibition bills of the world are reported, and we meet before the Master, we will walk up—I imagine we will—with a great show of boldness and say, "See, Lord; we wiped out the rum business," and the Lord will say, "How did you do it?" "We voted Washington dry." And I would not be surprised if He should say, "Did you give the people down there a chance?" "No, Lord, I didn't. I was elected from Washington State, and it is a dry State, and in order to be reelected, I came down to Washington city and voted to wipe it out down there." [Laughter.]

I believe the Saviour, who preached justice, will say, "You did not do the work right. You did not render to Caesar the things that are Caesar's. You were small about it."

Mr. MAPES. Would you not give them credit for exercising the same good faith that you exercised?

Mr. GIBBONEY. Give whom credit?

Mr. MAPES. The advocates of prohibition.

Mr. GIBBONEY. Certainly I do, Mr. Committeeman, but the trouble is this, that we have spent so much time measuring morality in dollars and dollars by morality that we have not studied the status of the liquor business of this country. The average man, when you talk to him about rum, all he sees is a staggering drunken man. He does not realize he is receiving a part of the profits from the fellow who sold the liquor to make the man drunk and that we got our share before the fellow drank it.

Mr. JOHNSON. Just a moment. I would have referred to this before if you had not asked not to be interrupted.

Mr. GIBBONEY. I want to say something about this record put in by Congressman Mapes in regard to Seattle.

Mr. JOHNSON. Are you going to get to the point where you will be willing to be questioned?

Mr. GIBBONEY. Yes.

Mr. JOHNSON. Go ahead. I have been patiently waiting.

Mr. GIBBONEY. Congressman Mapes read a speech there—

Mr. MAPES. No; that was not a speech; it was a statement from the editor of the Seattle Times.

Mr. GIBBONEY. Now, here is a statement not of an editor, but it is a statement dated July 6, 1916, taken from the most strenuous paper in Seattle. It says:

SEATTLE, July 6.

City and county officials here are in somewhat of a quandry to-day as to the extent of their authority under the State-wide prohibition law in view of a State supreme court decision yesterday, which held that it is not illegal for a person to possess for personal use any amount of liquor, provided it is obtained in a legal manner.

The court's ruling ordered the dismissal of charges against W. E. Boeing and John C. Eden, accused of having more than the legal amount of liquor in their possession.

That shows you how the thing is working out there. Here we go to work and destroy a licensed liquor dealer's property, and in some of the States we say that the voter whose vote we want, who wants whisky, can have it. In some places it is provided that a man shall not have in his possession more than a certain amount, a gallon or a half a gallon, of liquor or wine. I think, in West Virginia you are only allowed two quarts of whisky a day. [Laughter.] Think of

such absolute hypocrisy, and nothing else. We want to wipe out the liquor business but we do not want to prevent any drinking man from getting a drink.

Mr. JOHNSON. As I can not find the place where you will yield, please indicate it.

Mr. GIBBONEY. Certainly; I beg your pardon. There is such a short time.

Mr. JOHNSON. It has been quite a good long while.

Mr. GIBBONEY. Thank you. I mean not for myself, personally, but I mean for the whole subject.

Mr. JOHNSON. You have emphasized the payment of taxes by the distiller. Is it your contention that the distiller really pays the tax on whisky?

Mr. GIBBONEY. No; the drinking man pays the tax, and his wife and his children; and the Government knows it. But we want the tax, just the same, do we not? And we get it. Every time we have a war——

Mr. JOHNSON. You have spoken all along——

Mr. GIBBONEY. Now, listen, Mr. Chairman.

Mr. JOHNSON. I have not done anything but listen. I will listen; that is all a man can do when he has got you up there. [Laughter.]

Mr. GIBBONEY. I am sure, Mr. Chairman, that a man ought not to complain, because these patient ladies have been listening too.

Mr. JOHNSON. They are here only to listen. They are not members of the committee here to get information. We are here to get information and you are here to furnish it.

Mr. GIBBONEY. Yes. I want to do it to the best of my ability.

Mr. JOHNSON. But you have declined so far, by persistency, to enlighten us along the lines except those which you have selected to enlighten us on.

Mr. GIBBONEY. I am very sorry, because I want to enlighten you.

Mr. JOHNSON. What time does the committee stand adjourned to?

Mr. CARY. We stand to adjourn at 10 minutes to 12, but I did not want to interrupt the gentleman.

Mr. JOHNSON. It is impossible to interrupt him. It is now 1 minute after 12 o'clock. Therefore the committee stands adjourned until to-morrow morning at 10 o'clock.

Mr. CARY. Now, before that, we do not want this to close yet. If the gentleman wants to come back and finish, why not let him finish?

Mr. GIBBONEY. I am through except for any questions you like to ask.

Mr. JOHNSON. Your willingness to answer questions, however, has been postponed until after the adjournment.

Mr. GIBBONEY. I did not know your adjournment time. I am simply of course very much interested in this subject. I have given 28 years of study to it; 28 years of effort in a humble way to it. It is only natural I should be interested in it. I am not a recent convert to this cause, as some people are in this country. I have been at it a good while.

Mr. JOHNSON. As announced, the committee will stand adjourned until to-morrow morning at 10 o'clock.

(At 12.05 p. m. the committee adjourned until to-morrow, Tuesday, February 20, 1917, at 10 o'clock a. m.)

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA

HEARING

BEFORE

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

SECOND SESSION

ON

S. 1082

TO PREVENT THE MANUFACTURE AND SALE OF ALCOHOLIC
LIQUORS IN THE DISTRICT OF COLUMBIA,
AND FOR OTHER PURPOSES

FEBRUARY 20, 1917

PART 9



WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Tuesday, February 20, 1917.

The committee met at 10 o'clock a. m., Hon. Ben Johnson (chairman) presiding.

Mr. JOHNSON. The committee will please come to order. Several days ago I received a telegram from Mr. John A. Voll, requesting a hearing. The committee authorized me to answer Mr. Voll by telegram, which I did, saying that the committee would hear him. He came to me yesterday, and he is here this morning, and said he would like to be heard, and he still has not been heard. What is the pleasure of the committee about it?

Mr. BURKE. I move we give him a hearing.

Mr. MAPES. Where is he from?

Mr. JOHNSON. This does not say.

Mr. MALONEY. I am from Philadelphia, Mr. Chairman, but I am not Mr. Voll. Mr. Voll is president of our association. My name is Maloney. I am the vice president. He sent me here in his stead.

Mr. MAPES. Under the understanding that the committee had, we were to hear from the drys, were we not?

Mr. JOHNSON. That is a matter left entirely with the committee. The telegram was submitted to the committee, and the committee directed me to wire Mr. Voll that he would be heard. What I wish to do is to keep myself in the correct attitude with Mr. Voll. He should not be left in the attitude of being directed by the committee to come and then not being heard.

Mr. BURKE. I move that Mr. Voll, or his substitute, be granted a hearing this morning.

Mr. MAPES. I second the motion.

Mr. SHOEMAKER. Will you permit me to say a word?

Mr. JOHNSON. Yes, indeed.

Mr. SHOEMAKER. It is our understanding, under the resolution that the committee adopted some time ago, that this was the last day of the hearings, and that the proponents of the bill would be given the last day. We are here to-day prepared to go on, and we would like the whole time.

Mr. COLUMBUS. May I submit that it was my understanding, appearing as I have for the referendum party here, that there was no such understanding as to the proponents being heard in rebuttal. I think it would be well—

Mr. JOHNSON. How long would you want to be heard, Mr. Maloney?

Mr. CARY. Mr. Chairman, may I make a suggestion?

Mr. JOHNSON. Let Mr. Maloney answer this, if you please.

Mr. MALONEY. I do not know that I will take up much time.

Mr. JOHNSON. How much time is that?

Mr. MALONEY. Probably 15 minues.

Mr. MAPES. I move, as a substitute to the motion of Mr. Burke, that we hear this gentleman from Philadelphia for 15 minutes, and then the balance of the hearing to-day be given to the drys, as we understood that they were to be given to-day.

Mr. CARY. Just a minute, please. Now, if we want to be fair, let us be fair. If you want to start something, we will start something; but, at any rate, be fair. There are here a half dozen men from other cities—

Mr. JOHNSON. The gentleman is not suggesting that I am unfair about it?

Mr. CARY. No; I am talking in a general way. There are a half dozen here from different cities who have been waiting a week to be heard. We have shut them off from time to time by allowing other gentlemen to be heard. There has not yet been a man heard on this question from the liquor side, except Mr. Columbus's party for prohibition or referendum. There has not been a man from the labor side heard. I do not know who this gentleman is, but as long as the committee wrote him to come, I would not stop him. If you people wish to go on to-day, do you mean by that to shut these other people out entirely? If you do, I will oppose it. If you are willing to listen to them now, or are willing to listen to them to-morrow, all right, well and good; but you will not shut them out if I can prevent it.

Mr. JOHNSON. We could have heard the gentleman for five minutes at least while we were quibbling over this.

Mr. CARY. But Mr. Mapes has made a motion to shut everybody else out.

Mr. JOHNSON. No; his motion is, and it is expected, that the hearing concludes to-day, in substance, as he put it here—

Mr. CARY. That is his intention; so that now, if we want to have an understanding, we might as well have it right now. There is no use waiting; none at all. Here is a gentleman from Cincinnati, who has been here two weeks, and several times I have suggested that he go on. Others have come in, like our friend just now. I have no objection to him being heard, or anybody else that wants to be heard.

Mr. JOHNSON. The motion is made by Mr. Burke that we hear Mr. Maloney.

Mr. CARY. I second the motion.

Mr. JOHNSON. Mr. Mapes has offered a substitute for that, that we hear Mr. Maloney for 15 minutes, and that during the rest of the day the hearing be limited to the advocates of the bill.

Mr. WHEELER. Mr. Chairman, before you put that motion, I will make an inquiry as to whether there are to be any more hearings or not. I do not exactly remember the wording of that resolution that we passed about it. Was it that the hearings were to be closed on the 21st? I inferred that we would have hearings to-morrow, and they would be closed to-morrow, February 21.

Mr. JOHNSON. Get the resolution, Mr. Clerk.

Mr. WHEELER. Yes; I want to vote intelligently on this. It seems to me, if the hearings are to be closed to-day, that the other side should be heard as much as possible to-day, because those representing the wet interests here have been here for the past 10 days.

Mr. MAPES. They have taken twice the time——

Mr. CARY. I will say that those representing the wet interests have not been heard at all. It is the referendum you have been listening to. You have been listening to those in favor of the referendum; you have not listened to anybody that favored the wet.

Mr. COLUMBUS. The referendum side has not finished.

Mr. BARKLEY. May I make a suggestion that may benefit the committee?

Mr. JOHNSON. The resolution is now here. The resolution that was adopted was as follows:

Resolved, That the Committee on the District of Columbia proceed with the hearings on the bill, S. 1082, until Wednesday, the 21st of February, when the committee shall take up said bill and amendments for final consideration and action.

Therefore, under this resolution, the hearing runs until midnight to-night—it may run——

Mr. CARY. We can extend it, though, if we see fit.

Mr. LLOYD. I move the previous question.

Mr. JOHNSON. Now, Mr. Barkley.

Mr. BARKLEY. I was just going to offer this suggestion: Mr. Mapes made a motion that the committee should hear somebody here for 15 minutes, and that then we should be heard. We do not desire to be heard at all in rebuttal until the other side has finished. They have had three or four times as much time as we occupied. We understood that we were to be given to-day, but if we are to be given it with the understanding that any other testimony is to be heard on the other side after we shall be heard, we will not occupy to-day.

Mr. MAPES. The action of the committee is that the hearings close to-day.

Mr. LLOYD. Let us try to reach an agreement about this matter.

Mr. CARY. Yes.

Mr. LLOYD. You say if you are given to-day for the referendum side of the case, the drys may conclude to-morrow?

Mr. CARY. So far as I am concerned; but these people can not finish. Here are three or four gentlemen from outside of town.

Mr. PROEBSTLE. Mr. Chairman, if you please, I have been here for almost two weeks. I am not interested in your referendum. I am interested in the men who are earning their livelihood. I am representing 50,000 throughout the country, and I am not here in the interests of the employers or in the referendum interest. Our side of the case has not been heard before this committee.

Mr. CARY. That is true, Mr. Chairman. It has all been referendum. The wet side or the labor side have not been heard.

Mr. VINSON. What side?

Mr. CARY. The wet side.

Mr. VINSON. What have they been talking about?

Mr. PROEBSTLE. I say we are not interested in the referendum.

Mr. CARY. That is what they have been talking.

Mr. VINSON. What is the motion, Mr. Chairman?

Mr. COLUMBUS. For the referendum side, I want to say that the Federation of Citizens' Association, which is represented here this morning, has not been heard, and there are other speakers here who should have been heard and have not been heard.

Mr. VINSON. I thought that the motion I made at the last hearing was that Mr. Columbus, representing these various organizations in this city, would be given the right to conclude their argument before any outsiders were heard. That motion was put and carried.

Mr. CARY. I will say, Mr. Chairman, that that is correct; but they had others here yesterday that set that aside. There was a gentleman heard here yesterday from Philadelphia, a temperance preacher, or—

Mr. VINSON. I submit that the people of the District of Columbia have got the first right to consideration, and they are more vitally interested than the people who want to speak for labor, or for or against the bill, from other cities and from other sections of the country, because it only indirectly affects them and it directly affects the people of the District of Columbia. Therefore, in fairness—

Mr. JOHNSON. If you gentlemen will give the Chair just a minute, here, I think we can get at this thing. The Burke resolution just read was adopted, and thereafter, to wit, on the 16th, the minutes show this:

Thereupon, Mr. Vinson moved that the committee proceed to hear from the organizations in the District of Columbia, upon the referendum, before anyone else should be heard. The motion was put by the chairman and the Chair announced that the motion was adopted. Thereupon the committee directed the chairman of the committee to notify Mr. Voll that he would be heard on Monday, February 19, 1917, at 10 o'clock.

So now a representative of Mr. Voll has been here since then, and is here this morning, demanding—requesting—to be heard for 15 minutes. Now, we have spent almost 15 minutes in quibbling about it.

Mr. VINSON. Suppose we hear him and get through with it.

Mr. ANDREW WILSON. Mr. Chairman—

Mr. JOHNSON. How are you going to hear him when everybody else is talking?

Mr. VINSON. I move that we carry out the minutes.

Mr. BURKE. What is that?

Mr. VINSON. I move that we follow the minutes.

Mr. JOHNSON. The question is on Mr. Mapes's motion, that Mr. Maloney be heard for 15 minutes, and that the rest of the day be devoted to the hearing of the advocates of the bill.

Mr. COLUMBUS. Mr. Chairman, if I may interject—

Mr. JOHNSON. I think the committee had better adjourn. We are constantly interrupted by outsiders. I move that we adjourn.

Mr. LLOYD. I make the point of no quorum.

Mr. JOHNSON. The point of no quorum is made. The chairman will count. (After counting the members of the committee present.) Twelve members are present; a quorum is present.

Mr. LOBECK. I move the previous question.

Mr. JOHNSON. The motion is on the adoption of the previous question on Mr. Mapes's motion.

(The question was taken and the motion was agreed to.)

Mr. JOHNSON. The ayes have it, and the previous question is adopted.

The question is now on Mr. Mapes's motion.

(The question was taken.)

Mr. JOHNSON. The noes seem to have it.

Mr. MAPES. Let us have a roll call.

Mr. CARY. Yes; we will have a roll call. I do not believe in a cloture rule of any kind.

Mr. GOULD. Mr. Chairman, I have unfortunately been late in arriving. I would like to ask the clerk to state the motion.

Mr. JOHNSON. The motion was by Mr. Mapes. Mr. Burke made the motion that Mr. Maloney be heard in lieu of Mr. Voll, whom the committee had agreed to hear and invited. Thereupon Mr. Mapes offered as a substitute for that motion that Mr. Maloney be heard for 15 minutes, he saying that he wanted to be heard for only 15 minutes, and that the rest of the hearing for to-day be given to the advocates of the bill. Those in favor of Mr. Mapes's substitute will say aye.

Mr. VINSON. Roll call, Mr. Chairman.

(The ayes voted.)

Mr. JOHNSON. Those opposed will say no.

(The noes voted.)

Mr. JOHNSON. The noes seem to have it. A roll call is called for. A roll call will be had on Mr. Mapes's substitute for Mr. Burke's motion.

(The roll was called by the clerk.)

Mr. LLOYD. I wish to change my vote from no to aye.

Mr. VINSON. I want to change my vote to aye. I voted no.

Mr. CARY. I wish to ask Mr. Lloyd whether he is now paired with Mr. Tinkham?

Mr. LLOYD. No, sir.

Mr. CARY. You have no understanding with him now?

Mr. LLOYD. Mr. Tinkham has been here, and I have none, so far as I know.

Mr. JOHNSON. I may throw a little light upon that subject. Mr. Tinkham asked me if, in my opinion, he was still paired with Mr. Lloyd, and I told him he was not.

Mr. CARY. I did not know that.

Mr. LLOYD. If Mr. Tinkham thinks that he is, I am perfectly willing to consider it so.

Mr. CARY. I think he does. His clerk told me so this morning.

Mr. LLOYD. When I talked with him, he did not seem to have any such understanding.

Mr. CARY. When was that?

Mr. LLOYD. Three or four days ago. I do not think that there can be any doubt about it, because I have seen Mr. Tinkham and talked with him about it since the other day, when I was paired with him, and he thanked me for what I did before.

Mr. VINSON. Mr. Tinkham has been here since then?

Mr. LLOYD. Yes.

Mr. CARY. He went back to Boston.

Mr. BURKE. He has been on the floor of the House and here in the committee.

Mr. JOHNSON. The vote stands 6 noes and 6 ayes, with one member, Mr. Gould, answering "present."

Mr. LLOYD. Call it over again.

Mr. JOHNSON. Call it over again. There was a misunderstanding about the vote. We are voting now on the Mapes amendment.

Mr. VINSON. That means we will proceed to hear Mr. Maloney for 15 minutes and the balance of the day is to be given to the advocates of the bill?

Mr. JOHNSON. Yes.

Mr. COLUMBUS. Mr. Chairman—

Mr. JOHNSON. We are having a roll call now, and no man will be heard except upon a parliamentary inquiry.

(The roll was again called.)

Mr. JOHNSON. Upon this vote the ayes are 7 and the noes are 9. The motion is lost.

The vote now comes upon Mr. Burke's motion that we hear Mr. Maloney for 15 minutes. Those in favor will say aye.

Mr. CARY. Pardon me, Mr. Chairman, but he did not specify 15 minutes.

Mr. JOHNSON. Yes; he did. The motion so reads.

(The question was taken and the motion was agreed to.)

Mr. JOHNSON. Mr. Maloney will be heard for 15 minutes, he having indicated how much time he wanted.

Give the stenographer your name and residence, and state in what behalf you appear.

STATEMENT OF MR. JAMES MALONEY.

Mr. MALONEY. Mr. Chairman, in the first place I desire to thank you for granting me a hearing, and, naturally, the men I represent.

My name is James Maloney. I represent the glass-bottle workers, the central body of the men in that industry in this country.

Mr. JOHNSON. Unless there is order, the committee room will be cleared and we will have an executive session.

Mr. MALONEY. We are directly interested in this bill in the District of Columbia, not indirectly. While we have not any members of our organization living here and working in the industry, because of the fact that this is not an industrial city—

Mr. LLOYD. What organization do you represent?

Mr. MALONEY. The Glass Bottle Blowers' Association, a trades union—nevertheless the work of our people comes into this District. Consequently the members of our organization feel their jobs are at stake.

Mr. Chairman, the rights of no people were ever taken away from them at one fell swoop, they are taken away here, there, and everywhere; and, to my mind, the personal liberty of the people of this country is at stake here in the District of Columbia. It is just, to my mind, like a pick at the foundation of the institutions of the United States, and whenever the time arrives, understand, those institutions are apt to topple over.

There can be no question to my mind, although there may be some question in the minds of most people, about the methods of government here in the District of Columbia concerning the police powers and taxing powers, etc.; but those laws are present in every city.

There is no question in the minds of all citizens but what it is necessary to have laws of those kinds in all cities. But when a proposition of this kind comes up where a body of men expects to vote upon whether a man is going to have the right to have a glass of beer after his day's work, it does seem to me, Mr. Chairman, that the people of this city should have some say in the matter. Why, this, to my mind, is the very cradle of liberty, here in the democratic institutions of this country; and strange to say, in the Senate of this United States, a body, to my mind, that is more responsive—this Congress, at least—to the wishes of the country, this one of the last ones that has ever sat here in Washington, nevertheless, despite the fact, this body passed this bill here a short while ago preventing the people of this District from expressing their opinion whether or not they shall have the right which has been granted to them for years; as was stated here yesterday, a perfectly legal right, because of the fact that this business has been taxed ever since the country was formed.

Mr. VINSON. You do not contend that there is a legal right of the citizens to vote here, do you?

Mr. MALONEY. I did not say that. I said that the business has been practically recognized by this country, this Government, ever since it has been formed, and naturally, in a sense, to my mind that means that the Government recognizes it, and it is consequently a legal business. And in further answer to your question, I do believe, sir, that on a question of this kind the people should have a right to express their preference. Now, there has been a great deal said here—I was here yesterday, and there was a great deal said here—about the rights of property. It seems to me that that is about all we hear about nowadays, the rights of property. When this Government was formed, in the beginning, I do not believe that the question of the rights of property was considered. It was the rights of the individual citizen, the individual, if you please, the liberties of the individual; and I do feel that there ought to be something said here about the individual rights.

Now, while I believe in the protection of property, I believe, sirs, that that is a secondary consideration in a country of this kind. I believe that personal liberty and the rights of the individual citizen are paramount and should be paramount, particularly in the legislative halls of the country; because after all is said and done, this country is not composed, my friends, of the fellows that are here in Washington, or in other large cities. This country is composed and built of the common people—the fellow that we very seldom hear anything about—and it does seem to me that there are a number of people here in this country at this time, whether they have not got anything else to do or not, or whether they feel that it is absolutely necessary in order that the common fellow should be controlled and every action of his directed along certain lines, I do not know, but I say that it does seem to me that there are a great many welfare leagues, a great many diet squads, a great deal of energy being consumed in order to regulate the everyday life of the individual common man, the fellow that works every day, the fellow that bears the burdens in this country, the fellow that pays all the bills, my friends, and the fellow that fights all the battles whenever his country is in danger.

Now, just a word about him. There was nothing said about the job, here, that I understood or heard, yesterday, with the possible exception, probably, of about two minutes when the question was asked a gentleman who was on the floor, how we would compensate the man whose job was lost or who was displaced, if this bill went through here in Washington. That took up just about two minutes; that is all. I believe the reply that was made to the question was, Well, whatever salary or whatever wage he received, they would be satisfied to pay him a month's wages, and then let him go out and hunt a living some other place. Now, that is very easily said, my friends, but I know something of men being displaced, men losing their jobs, not altogether from prohibition legislation, but from machinery coming into the skilled trades in this country, and there is never a thought given to those men or given to their families; never, sirs. You take a man that grows up in the glass-bottle industry, for instance, and a machine comes along, and he is displaced, and he knows nothing else; or a man that is a bartender or a brewery worker, who is accustomed to work at that trade or industry all his life, and he knows nothing about anything else. So that it is a very easy matter for smug people who have an income or who have plenty of money in the bank, plenty of interest whereby they have a large income, to say, "Oh, well, he will find a job some other place." I have seen men who made \$9 and \$10 a day, educated their families, educated their children, dressed them well, fed them well, in order that they would grow up good American citizens, and I have seen their livelihood taken away overnight by machinery, and I have seen those men's wives compelled to take in washing. Oh, we are not concerned, ordinarily the average individuals, with the trials and the troubles and the miseries of the ordinary fellow when he is out of a job. I say to you, gentlemen, that the greatest fear that is in any man's heart—in the mind and the heart of the average individual that is compelled to work for his living every day—is the fear of the fact of what is going to become of his wife and children in case he is taken away overnight; and I have seen the results of it.

Mr. VINSON. What recommendation would you make for the relief of the laborer whose place is filled by machinery?

Mr. MALONEY. It would take a wiser man than I am, sir, to solve that question. In fact, I think it goes further back than that. I have seen men killed—

Mr. VINSON. I admit that is an important thing, and that confronts the people all the time, of labor being displaced by labor-saving machinery. Now, have you got any remedy that would eliminate the hardship to the laborer when he is thrown out of work in that way?

Mr. MALONEY. Yes; I have a remedy. Better wages and shorter hours. Put the man to work on the machine and pay him good wages. But that is not done to-day. No, sir. There are a great many things going on, as I said in the beginning, in this Congress and the last one particularly, and they are bringing this Government back to the people, and there is no one particular thing out of that which I have just said that will solve this question. As I said when I was interrupted, I have seen men killed in the mines, understand, in the anthracite regions, that made just enough money to keep body

and soul together. Oh, you talk about saving money? You talk to the average individual, and we hear so much about it in the magazines and in the newspapers. We will hear the president of some great university—and I do not question the man's honesty, you understand; my own might be questioned, but I say we will read these things—and they will say we are too extravagant; the American people are extravagant; and if they only save for the future; set some money by for a rainy day! We get so much of that stuff from men who are worth millions, that are able to buy yachts and live in palaces. I say there is where it comes from, particularly.

But, as I said a minute ago, I have seen men killed in the mines, my friends, that did not receive enough wages to keep body and soul together. They had to send their children into the mines and into the breakers just the same as I went when I was 11 years of age. I never had an opportunity to secure an education, and I realize what it means these days; I realize the advantage of a trained mind. I see it here. I saw it here yesterday. And it is my honest belief, Mr. Chairman, that as long as this world is a world, as long as this Government is a government, the intellect is going to govern. So I say to you that I realize the advantage of a trained mind, and it is through the labor unions more than any other institutions, with the help of lots of good people who are honest and sincere and whose hearts are in the right place and who realize the misery and the sufferings of the average individual, that laws have been passed, compensation laws, in different States, to take care of and to provide for that woman and her children. I have seen individual cases of it. I have seen poor women with three or four children, girls and boys, compelled to break up their home; not a dollar there, and the woman had to go out and take to scrubbing and washing.

Mr. LLOYD. Do you know whether that ever happened to occur because of the fact that the woman had a drunken husband?

Mr. MALONEY. No, sir. It might have been. I do not deny that, but I am not speaking, my dear sir, of the individual case; I am speaking of the majority of cases, of the general situation; and it can not be denied. No, sir. I have seen families broken up, children sent to orphan asylums; never knew what it was to have a home. And every man here knows how that influences the minds of the boys and girls, the character of the children—the home influences. So I say to you, further, and I do not want to make any statement or any charge here, understand, against any body of men in this country, no matter how powerful they may be, or no matter how much influence they may have, or how much money they may have gathered together.

I believe that if a man has the ability, the executive ability, and the great brain, he should be able to secure some return for his extraordinary labors in the shape of money; but I believe there should be a certain point beyond which no man should be allowed to go.

Mr. VINSON. In the accumulation of money?

Mr. MALONEY. Because, gentlemen, money means power, and power means tyranny.

Mr. VINSON. You believe that in the accumulation of wealth there should be a limit to what a man should accumulate; is that it?

Mr. MALONEY. Something along those lines.

Mr. VINSON. Does not that directly interfere with what you are advocating, the personal liberty of man?

Mr. MALONEY. I believe when the activities of any individual in this country interfere with the living and the happiness, understand, and the welfare, of another, that man's activities, no matter in what line they may be, should be curbed by this Government. That is what I believe, sir.

Now, I want to say further that it is my honest belief, and as I said a moment ago, I do not want to make any wild charges or any wild statements; there are so many of the men here in this country, you understand, and their observation and their experience in this industrial situation—oh, I have heard people talk on Sunday; I have seen them sit in the first pew, and I have seen them take up the collection, and I am not criticizing church members. I am one myself. I go every Sunday. But I have seen men go every Sunday and forget there was such a thing as a church on Monday and Tuesday and Wednesday, if their actions toward their individual fellow citizens meant anything, until to my mind, my friends, men and institutions are judged by what they do in this country, not by what they say, and when we all pass out, as every one of us must some day, there are two things that you can not beat, that you can not avoid—the undertaker and the tax collector.

Mr. JOHNSON. Mr. Maloney, your time has expired.

Mr. MALONEY. I am sorry, Mr. Chairman, and I offer no protest, but there was a gentleman spoke here for an hour and a half yesterday.

Mr. JOHNSON. They confined themselves to the subject somewhat, I might say.

Mr. MALONEY. Thank you, sir.

Mr. JOHNSON. The minutes of yesterday read as follows:

The chairman laid before the committee a letter addressed to him by Mr. Charles Shreve, representing the Federation of Citizens Associations, asking to be heard relative to the bill. Thereupon Mr. Columbus submitted a letter written to him by Mr. Shreve in which he stated that Mr. Clyde D. Garrett would appear before the committee instead of himself. Thereupon a motion was made by Mr. Burke and adopted by the committee that Mr. Garrett be heard Tuesday morning.

I understand that Mr. Garrett is here and says that he wants to be heard for five minutes. What is the pleasure of the committee?

Mr. VINSON. I move that we hear him.

Mr. JOHNSON. Without objection, he will be heard for five minutes. No objection is heard. Proceed, Mr. Garrett.

STATEMENT OF MR. CLYDE GARRETT.

Mr. GARRETT. I am chairman of the law committee of the Federation of Citizens' Associations of the District. I do not want to argue on the merits of the prohibition matter or on the legality of it. I want to state what the people of the District of Columbia want as expressed through the Federation of Citizens' Associations. The Federation of Citizens' Associations is composed of 26 different citizens associations of the District of Columbia.

Mr. VINSON. How many members are there in the whole association?

Mr. GARRETT. Approximately 5,000 aggregate members. They, of course, represent a larger number than the 5,000, but that is approximately the number. The Federation of Citizens' Associations is composed of delegates from each association, and the matter of the prohibition question was brought up in the federation by one of the various associations, and it was referred back to each association to be taken up by its delegate with this association and have the association act before the federation acts. In almost every case—indeed, I might say practically in all cases—the delegates were instructed by their associations as to what action they should take. When the action was taken it was unqualifiedly dry. It was practically an indorsement of this bill, because it was stated in the motion that it was against the traffic in liquor in the District of Columbia.

There has been some mention made of referendum, and although it is not directly, I believe, in the matter of prohibition, yet inasmuch as the association has acted, I will take a moment to tell you what the action has been. The matter of referendum was taken up, and that was likewise referred back to the associations and their delegates were instructed on it. At a later meeting they voted that it was the sense of the federation that they desired a referendum on the excise matter as well as on all other important matters referring to the District of Columbia. We have gone further in the matter of referendum, and have tried to get a Delegate or Senator or Representative in Congress. I have told you of the federation's stand, and what the people want—

Mr. VINSON. Your association stands for a general referendum?

Mr. GARRETT. For a general referendum, and for representation.

Mr. VINSON. Representation in Congress?

Mr. GARRETT. In Congress.

Mr. VINSON. There is no severance of this particular question from the general question of referendum?

Mr. GARRETT. It was acted upon—

Mr. VINSON. Conjunctively with all other questions?

Mr. GARRETT. Yes; conjunctively.

Mr. VINSON. Then there was no particular expression from the associations in regard to referendum, or upon the District of Columbia prohibition bill, except in connection with the general policy of referendum?

Mr. GARRETT. Allow me to express that a little differently. The referendum matter was brought up in connection with the District of Columbia appropriation bill, but when it came out, without being acted upon, prohibition as well as other things was asked for—the referendum was asked for them.

Mr. LOBECK. You think these associations are in favor of a referendum?

Mr. GARRETT. I do.

Mr. VINSON. You think the associations and the majority of the people in the District are in favor of referendum on all questions of the government of the city of Washington?

Mr. GARRETT. Yes.

Mr. VINSON. In fact, that association indorsed local self government for Washington, entirely?

Mr. GARRETT. Yes.

Mr. LOBECK. And particularly on this subject?

Mr. GARRETT. Yes.

Mr. LOBECK. Of prohibition?

Mr. GARRETT. Yes.

Mr. LOBECK. This question was not up particularly, but in connection with all other questions of legislation?

Mr. GARRETT. Yes; it came out on account of this question, but it was put in with all other questions of legislation.

Mr. VINSON. Then you are in favor of the referendum on some questions and against it on some others, but you felt that you had to adopt a resolution in favor of referendum on all questions?

Mr. GARRETT. We did not have to, but we did.

Mr. VINSON. Then, you indorse Mr. Cary's bill to submit such questions as woman's suffrage, and all that, to referendum?

Mr. GARRETT. We have approved woman's suffrage.

Mr. BURKE. Mr. Chairman, there is here a gentleman from Cincinnati, who has been here nearly two weeks, and, as I remember, originally he applied to the chairman of this committee for permission to be heard, asking that he be granted a hearing, and the chairman submitted the question to the committee, and we voted to grant him a hearing. He is here now.

Mr. VINSON. I move that he be given five minutes.

Mr. BURKE. Oh, well—

Mr. JOHNSON. This gentleman has been here over two weeks, and he comes with the permission of the committee—Mr. Proebstle.

Mr. COLUMBUS. May I ask—

Mr. JOHNSON. No, sir; not while Mr. Burke is talking. The committee is constantly interfered with by outsiders, while a member of the committee is making a motion.

Mr. VINSON. I move that the gentleman be heard for five minutes.

Mr. CARY. I hope that the gentleman will not make that motion. This man has the most valuable information on the wet side of any I know. I have seen some others—

Mr. VINSON. It could not be of any more value than that of the gentleman who just spoke. He was speaking for the District, and we only gave him five minutes.

Mr. CARY. He was not giving information. This man has valuable information.

Mr. VINSON. Yes; he was giving information. He was the spokesman of the people of the District, who are vitally interested in this.

Mr. CARY. For the referendum.

Mr. GARRETT. The principal thing I spoke about was prohibition.

Mr. JOHNSON. Never mind. We have heard you.

Mr. GARRETT. I beg your pardon.

Mr. JOHNSON. A motion has been made by Mr. Burke that Mr. Proebstle be heard.

Mr. WILSON. Mr. Chairman, an inquiry.

Mr. JOHNSON. There is an amendment offered to that motion, that he be heard for five minutes.

Mr. WILSON. An inquiry, Mr. Chairman.

Mr. JOHNSON. The gentleman will state his inquiry.

Mr. WILSON. I understand that the House meets at 11 o'clock, and it is less than five minutes of the time we usually adjourn, now—10 minutes of 11 o'clock.

Mr. JOHNSON. Yes; but we do not adjourn except on motion to adjourn.

Mr. VINSON. I move the previous question.

Mr. JOHNSON. The motion is on the previous question.

(The question was put.)

Mr. JOHNSON. The ayes seem to have it.

Mr. CARY. No; I ask for a roll call.

Mr. DARROW. This is on the amendment that he be given five minutes.

Mr. JOHNSON. The motion is on the previous question, not on the motion or the amendment. Those who favor the adoption of the previous question will, when their names are called, say aye, and those opposed will, when their names are called, say no. The clerk will call the roll.

(The clerk called the roll.)

Mr. JOHNSON. Upon this roll call the ayes are 14 and the noes are 2. The previous question is ordered.

The question now comes upon the amendment to Mr. Burke's motion, made by Mr. Vinson.

Mr. LOEBECK. I move as a substitute that the gentleman be allowed 10 minutes.

Mr. BURKE. What is that?

Mr. CARY. The previous question has been ordered, and he can not offer any amendment.

Mr. JOHNSON. No; no amendment can be offered.

Mr. CARY. The motion now is to vote to give the gentleman five minutes?

Mr. JOHNSON. The motion is to hear him, and to limit that hearing to five minutes.

(The motion was put by the chairman.)

Mr. VINSON. Roll call, Mr. Chairman.

(The clerk called the roll.)

Mr. JOHNSON. Upon this motion the ayes are 7 and the noes are 9. The amendment is lost.

The question now comes upon the motion, by Mr. Burke, to hear the gentleman.

(The question was taken, and the motion was agreed to.)

Mr. JOHNSON. The ayes have it, and the gentleman will please come forward and address the committee.

Mr. LLOYD. Mr. Chairman.

Mr. JOHNSON. Mr. Lloyd.

Mr. LLOYD. I am obliged to be on the floor of the House at 11 o'clock, and you will please excuse me.

Mr. VINSON. I have got to be on the floor on account of the post-office bill, at 11 o'clock.

Mr. GOULD. Mr. Chairman, I have to be on the floor at 11 o'clock, and may I be excused?

Mr. COLUMBUS. Mr. Chairman, if I may—

Mr. JOHNSON. Just a moment. You wish to be excused, Mr. Gould?

Mr. GOULD. Yes; on account of the post-office bill.

Mr. MAPES. The post-office bill comes up at 11 o'clock.

Mr. WILSON. A parliamentary inquiry, Mr. Chairman.

Mr. JOHNSON. The gentleman will state his parliamentary inquiry?

Mr. WILSON. If we adjourn after this speaker has finished, will the adjournment be until to-morrow morning?

Mr. JOHNSON. There is no to-morrow morning in this matter.

Mr. LOBECK. I move that we adjourn.

Mr. COLUMBUS. Mr. Chairman, I would like—

Mr. JOHNSON. The committee is transacting business, Mr. Columbus. The committee has been most patient with everybody until it has gone to a point that the members of the committee can not make a motion without interference by somebody on the outside. When the committee itself is considering matters, outsiders will please let us alone. Then when we come to a place where you can properly be heard without interfering with the business of the committee, the chairman will extend the utmost courtesies to you, as he believes he has in the past.

Mr. COLUMBUS. Mr. Chairman, you have been most courteous.

Mr. JOHNSON. A motion is made to adjourn.

Mr. VINSON. A parliamentary inquiry.

Mr. JOHNSON. The gentleman will state it.

Mr. VINSON. Under the motion made by Mr. Lobeck and seconded by Mr. Burke, am I to conclude that the hearing is to close to-day?

Mr. JOHNSON. Unless there is other action of the committee.

Mr. VINSON. Does that resolution carry when the committee shall meet to consider the bill?

Mr. JOHNSON. The committee will meet to-morrow morning to consider the bill in executive session.

Mr. MAPES. A parliamentary inquiry, Mr. Chairman.

Mr. JOHNSON. State it.

Mr. MAPES. If we vote to adjourn this morning, without further action we meet to-morrow morning in executive session?

Mr. JOHNSON. Without further action; yes.

Mr. WHEELER. Inasmuch as there is no second to the motion to adjourn, I move that we remain in session until 5 o'clock this evening, and then recess without roll call.

Mr. BURKE. I second the motion.

Mr. VINSON. We have got to go on the floor.

Mr. JOHNSON. I do not believe that a second is necessary, and therefore the motion to adjourn is before us.

Mr. VINSON. If we are to have an afternoon session, why not recess until 2 o'clock?

Mr. JOHNSON. No motion is in order while a motion to adjourn is pending.

(The question was taken on the motion to adjourn.)

Mr. JOHNSON. The noes seem to have it.

Mr. DOOLING. Roll call, Mr. Chairman.

(The clerk called the roll on the motion to adjourn.)

Mr. JOHNSON. Upon this motion the ayes are 8 and the noes are 9, and the committee refuses to adjourn.

Mr. LLOYD. Before you go further, I would like to make a request. Mr. Focht day before yesterday, I think it was, called attention to the fact that there had been some colored people standing here from time to time, among them the Rev. J. Milton Walton, one

of the leading preachers of this city belonging to the colored class. He is now here, and he is anxious to be heard.

Mr. JOHNSON. The regular order now is to hear the gentleman whom we have just voted to hear.

Mr. VINSON. I ask unanimous consent that we try to have some limit on this. There are many people here who want to be heard. Can we not agree on some length of time that these people shall consume? As it is now, one man can consume the entire day.

Mr. JOHNSON. The committee can interrupt him at any time with a motion to adjourn.

Mr. BURKE. How long will it take you, Mr. Proebstle?

Mr. PROEBSTLE. An hour.

Mr. VINSON. There is a gentleman who wants an hour.

Mr. JOHNSON. The committee has just refused to limit him.

Mr. BURKE. Make it shorter, if you can.

Mr. PROEBSTLE. I will make it just as short as I can.

Mr. BAILEY. Mr. Chairman, I would like to be excused, if you please.

Mr. VINSON. I ask unanimous consent for the chairman to instruct the clerk of the committee to send out written notices to every member that there will be an executive session of the committee on this matter to-morrow morning.

Mr. JOHNSON. Without objection, that will be done. It would have been done, anyway, without any motion.

Mr. VINSON. Then I ask now to be excused.

Mr. VOBECK. I would like to be excused.

Mr. CARY. Mr. Chairman, if they are all going to be excused, what is the use of continuing the hearing?

Mr. LOBECK. We have a prohibition bill in the House this morning.

Mr. WILSON. I move that we adjourn.

Mr. JOHNSON. No business has intervened since the last motion to adjourn, and that motion is not in order.

Mr. BURKE. Yes; unanimous consent was asked and granted.

Mr. WILSON. About what?

Mr. BURKE. About sending out notices of the executive session to-morrow.

Mr. JOHNSON. The chairman also announced that that would have been done without that motion. I do not think that that was really a motion. I do not think that it was really the transaction of business. The gentleman may proceed.

STATEMENT OF MR. JOSEPH PROEBSTLE.

Mr. PROEBSTLE. My name is Joseph Proebstle. I am international secretary of the Brewery Workers of the United States and Canada, and I have come before you in protest to-day against this bill. I am representing the workingmen employed in these industries; no capital invested. In behalf of these workingmen living and making their living here in this District I protest to the committee against the passage of the Sheppard bill without some provisions are made by the committee for these hundreds of men and their families before they are thrown on the mercies of the world.

I have heard here people talking of the moral features of this question, Mr. Chairman, and to my mind there is no more moral side than that of the throwing out of these employees who spend their lifetime working in these industries and have not accumulated anything except a small home, and probably have some debt on that; and the lawmakers of this country here in the Capital City are going on the sentimental proposition to throw to the world hundreds and hundreds of men and their families. This is my protest before you, gentlemen.

Statements have been made here which it would take hours and hours to refute—the most flagrant statements that I ever listened to—on the prohibition question. Some of the gentlemen stated that the States which have gone dry have never attempted to vote themselves back. I do not know a State in the Union which has gone dry. They only throw people out of employment, and the consumption of hard liquor has increased. The moral conditions of the State have not improved.

You are here confronted with the question of voting out of existence four breweries and two distilleries, with a capitalization of probably \$9,000,000 and 2,000 or more employees and their families. The \$9,000,000 does not bother me as much as the 2,000 men and their families do. I grant you, Mr. Chairman and gentlemen, that the man who has the capital invested in the breweries and distilleries may have enough to live upon, but there are almost 300 saloon keepers who have been living on the ragged edge of existence, the same as the workingman has. They are in a different position from the owners of these plants. These workingmen have been good citizens in your community. They have, in most instances, paid their taxes on small homes. They are paying rent here. There is no opportunity for employment for them, and you are going to enact into law a proposition which is simply legalizing illegal business instead of legal business. There will be 2,000 bootleggers in this city, like there are to-day in Denver. In June, last year, I was in Denver when 18 carloads stood on the track, and I called the attention of the mayor of Denver to the fact that there were 18 carloads of whisky on the track in Denver. He told me this: "We wiped the breweries out of existence in Denver and threw 500 men out of employment in that city, and they had to scatter to the winds, and we got a worse condition in Denver than it ever was." If you please, in January, 1916, the city of Denver alone issued the following permits: January, 802; February, 2,868; March, 5,186; April, 6,196; May, 6,874; June 7,380; July, 8,105; August, 8,140; September, 8,014; October, 7,954; November, 9,228; December, 10,674.

Mr. VINSON. What are those for?

Mr. PROEBSTLE. That is the number of legal permits to get whisky, on which the individual pays 25 cents, and the quantity is unlimited. He can order from a barrel to a carload.

Mr. GOULD. May I ask how long those permits last?

Mr. PROEBSTLE. Three months.

Mr. WHEELER. Where does he get the permit?

Mr. PROEBSTLE. At the courthouse. This is a legal permit. Now, outside of those permits, there is any amount of liquor sent into the city of Denver and the State of Colorado by the carload and the automobile load.

Mr. FOCHT. What excuse have they to furnish in order to get one of these permits?

Mr. PROEBSTLE. That they want to get whisky in the legal manner. Only those that want to get whisky in the legal manner get permits. Those who want to violate the law do not get a permit.

Mr. FOCHT. That would look like more of a revenue law than a prohibition law, would it not?

Mr. PROEBSTLE. I do not want to go into that question. The gentleman from the State of Georgia—

Mr. MAPES. Just how do they get those permits?

Mr. PROEBSTLE. They go up to the courthouse—to the clerk at the courthouse—and apply for a permit. In the State of Colorado the express company has the right to issue the permit also.

Mr. MAPES. What sort of a showing does a man have to make to get a permit?

Mr. PROEBSTLE. None at all.

Mr. MAPES. Does the clerk have any discretion in issuing them?

Mr. PROEBSTLE. No. Every man and every woman above 21 years of age is entitled to get a permit.

In the State of Georgia where prohibition has been adopted, in 1907, prohibition never was enforced until last year. Whisky and beer were imported indiscriminately, and next year, when the permit question was adopted by the legislature in May, Atlanta issued 7,741 permits—the city of Atlanta, in June, 1916, 20,065; in July, 27,678; in August, 30,124; in September, 31,789; in October, 45,273; and in November, 50,622. These are the permits issued in Atlanta. If you gentlemen doubt it, wire to the Atlanta Constitution, one of the leading newspapers of Atlanta.

In Ohio we have had an election on prohibition, and it was intended to be prohibition. This year our friends who want to make everybody live, according to their own ideas, have introduced a bill which provides for unrestricted and unlimited importation into the State of Ohio, and the true temperance people of Ohio have designated it a bill to provide lifetime jobs for the antisaloon leaders. That is the name of the bill, under which that bill goes in the State of Ohio.

There is another side to that question, and that is that you are raising a race of law violators, of disrespecters of law. In 1910 the Government seized 1,911 illicit stills; in 1911, 2,471; in 1912, 2,466; in 1913, 2,375; in 1914, 2,677; in 1915, 3,832; in 1916, 3,286, making a total of 19,018 illicit stills. But the head of the Internal Revenue Department says that for every illicit still found, five are undiscovered.

Mr. JOHNSON. I would suggest to the gentleman that he speak not so loud. The room is not large, and he is speaking so loud that he really makes my head ache.

Mr. PROEBSTLE. The United States Internal Revenue Department of the Government says that for every illicit still found, 5 are undiscovered and in operation. That means that 80,000 illicit stills have been in operation in the United States since 1910. Gentlemen, there are only 900—not quite 900—legitimate stills in operation. There are only 1,300 breweries in operation. You can not make beer illicitly, but you can make whisky. And by the way, for the benefit of my friends here from Denver, or from Colorado, I want to say

that I found in the city of Denver, in Laramie Street, just half a block away from the post office, a home distillery bought for \$14.75; as one of our company called it, a patent cooker. For \$14.75 you can buy a kitchen distillery that will make three gallons of whisky.

Mr. FOCHT. Where do you get that; from Sears, Roebuck & Co.?

Mr. PROEBSTLE. The effect of prohibition has never been more clearly shown to the country than last year in the reports of the Internal Revenue Department, and I have here during this session of the committee heard various comments on how it is possible that that whisky has been returned. Now, gentlemen, I want to say the internal revenue is not paid upon whisky except it is consumed, and it is withdrawn for consumption, and 112,627,170 gallons more have been withdrawn in 1915 than the previous year, and that went into prohibition territory, not into wet territory.

Senator Coulter, of West Virginia, the other day introduced a bill to make a law in West Virginia to allow the importation of whisky, beer, and wine into the State of West Virginia, and it has been passed. I pleaded with the senator, for the sake of true temperance, to allow the manufacture of beer, to provide for the manufacture of beer, rather than the traffic of bootleggers that is going on in West Virginia, but it seems that there is no reason or sanity, and I hope that this committee at the present time takes this golden opportunity which is presented to you to go before the country of the United States and say that this question must be solved in a businesslike way; that we can not afford to throw 1,520,000 men out of employment, to make idle that amount of men and to throw into misery their families and children, but make a scientific investigation. Gentlemen, I am as much in favor of temperance as any one of you. I am not a teetotaler. I have been drinking beer since I was a baby, and my race, which is 3,000,000 strong here in this country, are not drunkards. We are thrifty citizens of the United States, and we challenge any race in our conglomeration of races. We are not inferior or less moral than any other. We are thrifty. We want to be good citizens, but you deprive us of an inherited right. The German loves beer, and he is no drunkard. He loves sociability, and he knows how to drink. He does not make a hog out of himself. We used to in our country go with our Christians at the church and to the café and sit down with our preachers, with the entire family, and consume our beer and eat our lunch.

If you want to deal with the question of morality, I say with Abraham Lincoln that prohibition is the most immoral conceivable thing which has swept this country, because there can not be any morality in the idea of one man trying to dictate to another what he shall eat or drink or how he shall live his life, so long as he is living it within the law. There would be just as much morality as if I should say that every teetotaler should consume beer or wine. With just the same justification I can come to you gentlemen and make the propaganda that we will force the teetotalers of this country to consume wine and beer and whisky.

Kansas has been mentioned, and in that connection books have been mentioned. You have lying on your table the report of the per capita in Kansas of building and loan associations of America, who are probably the biggest cooperative institution, who have recently sent a statistician into the State of Kansas to determine the advisa-

bility of making laws in the State of Kansas, and that statistician makes a report to the building and loan association, and I have a copy of that report at my office, and that report says that within three or four years the tenant system of Kansas has increased 60 per cent. The original farmer of Kansas is out in California. Eighty-five thousand are in the county of Los Angeles alone, living away, and letting their tenants exploit the land—or they exploit their tenants rather. The per capita wealth which is mentioned in this circular is figured upon the basis of the original owner, but there is no more poor class of farmers than the Kansas farmer to-day.

There is no poorer industrial worker than the Kansas industrial worker employed in Kansas industry; and as the labor men and the representatives of labor men know, in the wake of prohibition follows destruction of labor organizations. And this brings me to the point, gentlemen, where I say that the insidious support which the prohibitionists are receiving to-day is from the big capitalists of this country, from ulterior motives. In Colorado our friend John D. Rockefeller, jr., owns the Colorado Fuel & Iron Co., making a big donation on the 20th day of July, 1914, to the prohibition fund in Colorado. He said that if the saloon would not have been in existence in the Walsenburg and Trinidad regions of Colorado the men would not have organized. The saloon is the greatest place for the workingman, where he can meet other workmen and they can exchange their views and ideas, and get better conceptions of how to band themselves together in order to fight the oppression such as was meted out to certain of the men in Colorado. They were slaves. I have been three times in the Walsenburg district in the strike, and the horrors that I saw, and the frauds on election day when prohibition was voted into Colorado were beyond all description. In the Walsenburg district they moved the voting place 7 miles, and they voted imported Mexicans in large numbers.

Mr. JOHNSON. Do you not think they might better meet somewhere else to discuss those things?

Mr. PROEBSTLE. Yes; but in the inception of an organization it generally meets in front of a bar, and there they discuss their economic preferences, if you please.

Mr. MAPES. What is your business, witness?

Mr. PROEBSTLE. My business? International secretary of the Breweries' Workers.

Mr. MAPES. How long have you been the International secretary?

Mr. PROEBSTLE. Fifteen years.

Mr. MAPES. Have you been a practical workmen since that time?

Mr. PROEBSTLE. No; my business requires my attention in the office.

Mr. MAPES. What brings you here?

Mr. PROEBSTLE. This bill.

Mr. MAPES. You have been here—

Mr. PROEBSTLE. Almost two weeks.

Mr. MAPES. Almost two weeks?

Mr. PROEBSTLE. Yes, sir. Here is the true record from the census report of 1910 in regard to Kansas, which was compiled by a statistician, and considerable time devoted to it.

The State of Kansas has more homicides than 12 wet States; more suicides than 21 wet States; more divorces than 29 wet States; less church members per capita than 27 wet States; more juvenile delinquents than 16 wet States;

more insanity than 16 wet States; more prisoners for grave and lesser homicide than 24 wet States; more paupers than 10 wet States; less savings accounts than 37 wet States. (Compiled from United States Government Census Report, 1910.)

The State of Kansas is dotted with hundreds of church buildings unused, and many others that are used have no ministers. (State Board of Agriculture, p. 29.)

That is their own State report.

Mr. GOULD. Did you ever read their State report, or did you get that information from some newspaper.

Mr. PROEBSTLE. A statistician by the name of Allen B. Cox, of Detroit, Mich., compiled it.

Mr. GOULD. Is he a reliable man?

Mr. PROEBSTLE. Yes, sir.

Mr. GOULD. Dependable?

Mr. PROEBSTLE. Yes.

Mr. FOCHT. Is not that the statement of Mr. Cabell, who wrote an article some time ago?

Mr. PROEBSTLE. No, sir.

Mr. FOCHT. And published it in Leslie's Weekly?

Mr. PROEBSTLE. No, sir.

Mr. FOCHT. It was a most startling and sensational statement, but I understand it was disputed afterwards.

Mr. PROEBSTLE. I do not know. This is from Allen B. Cox, of Detroit.

Mr. BURKE. When was that published?

Mr. PROEBSTLE. Then here is the following extract:

The causes of the abandonment of the rural churches is caused by the poor farmers, who are taxed to the limit; therefore have nothing left to pay the minister. (State Board of Agriculture, p. 29.)

The State Board of Agriculture of Kansas makes that report.

Mr. BURKE. Did you ever read that from the original volume?

Mr. PROEBSTLE. No, sir.

Mr. BURKE. From what do you copy that?

Mr. PROEBSTLE. I got it from Allen B. Cox.

Mr. BURKE. Oh!

Mr. PROEBSTLE. Here is some more:

In 13 years Kansas has granted more divorces for drunkenness than 25 States in which liquor was lawfully sold. (Census Bulletin No. 96, p. 44.)

Insanity increasing in leaps and bounds; 285 new cases; 30 per cent are cured; 24 per cent dies; 8,962 cases revived; 1,591 daily average in hospitals. (Report by Dr. T. C. Biddle, Topeka State Journal, Aug. 28, 1915.)

Mr. BURKE. What paper?

Mr. PROEBSTLE. The Topeka State Journal, the governor's own journal.

Mr. CARY. I suppose that is the reason they introduced an anti-treating bill in the Kansas Legislature?

Mr. PROEBSTLE. Yes; I wanted to come to that.

The first antitreating bill to be introduced in a Kansas Legislature in many years came in to-day from Representative Hughes, of Rooks County. It prohibits treating and also the giving of liquor to minors under penalty of \$500 fine or three months in jail.

There was a bill introduced for the prevention of minors in Kansas being given liquor, by law.

Mr. BURKE. When was that introduced?

Mr. PROEBSTLE. Just now. The Kansas Legislature is now in session.

Mr. BURKE. Where did you get that information?

Mr. PROEBSTLE. A week ago, from the daily newspapers.

Mr. BURKE. What newspapers?

Mr. PROEBSTLE. Here in Washington.

Mr. CARY. It was published on February 11 in the Washington Post.

Mr. GOULD. Are they going to pass that bill, do you think?

Mr. PROEBSTLE. Yes; I think it is necessary, in Kansas.

Two hundred and two boys were sent to State institutions in 1914 through the boot-legging route. (Report of the chaplain, p. 59.)

Mr. BURKE. What do they intend to stop by passing an anti-treating law, the treating of people to ice cream, etc.—soda water?

Mr. PROEBSTLE. The treating of people to whisky, because very little beer is carried into Kansas. It is principally whisky, and whisky of the vilest kind.

Mr. CARY. I think the gentleman has in mind Peruna or Coca-Cola, or something like that.

Mr. FOCHT. How do you account for this increase in Cincinnati, if they do not drink whisky?

Mr. PROEBSTLE. I met one of the mine owners of Cripple Creek in my last visit to Colorado, and we traveled together from Butte, and we came down to Cripple Creek, and he met some friends, and they asked him to get some whisky for them. He said that it took him two minutes to get it. He brought it to the room and did not drink himself. They took three drinks each, and both of them had to go to the hospital paralyzed. [Laughter.] They did not recover the use of their limbs for a week. [Laughter.] Well, you may have no conception of the poison which is contained in prohibition whisky. [Laughter.] It may be funny; but, gentlemen, you are the lawmakers of this country. In 1789, in the first administration of the Father of his Country, we were confronted with similar conditions. We were becoming rapidly a rum-soaked Nation. The consumption per capita of whisky was 18.08 quarts.

Mr. BURKE. When was this

Mr. PROEBSTLE. In 1789. This Government took two sessions of Congress to discuss the question and went out to the people and induced them to erect breweries. Certain inducements were made all over this eastern part of the country for people to invest their money in breweries. They were given 10 years tax free. They were tendered money from Congress. William Penn erected breweries in Pennsylvania. James Madison and Thomas Jefferson were in favor of the promoting of beer brewing in order to diminish the consumption of ardent spirits. In these parts of the country, this whisky-soaked country, everything was poisoned. Why, down in North Carolina you have gone so far that you have developed ether, and they get gloriously drunk from three pounds of fertilizer a day. They fertilize loam with a composition made from fossils deposited millions of years ago. Nature has left a dope in that loam from the decomposition of fossils, and they get drunk on it. [Laughter.]

Gentleman, you had a laboring man before you saying that organized labor favored prohibition. Organized labor does nothing of the kind.

Mr. MAPES. He did not say that organized labor as a whole favored it, did he?

Mr. PROEBSTLE. The following State federations, which are the legislative expressions of labor, have gone on record against prohibition, notwithstanding that some of the States were dry:

Arkansas in October, 1914; California, every year since October, 1908; Colorado in 1912, 1913, 1914, and 1915. In the State federations of labor these resolutions were adopted. In Illinois, every years since 1908; in Indiana, September, 1915, the last term; Kentucky, 1915 and 1916; Maryland, 1913, and every year since; Massachusetts, 1908, 1909, 1910, 1911, 1913, 1914, and 1915; and the last session of the Massachusetts federation; Michigan, 1914 and 1916; Minnesota, 1914 and 1915; Missouri, every year since 1908; Montana, 1915; Nebraska, 1914 and 1915; New Hampshire, at the 1915 convention; New Jersey, every year since 1909; New York, every year since 1901; Ohio conventions of 1910, 1911, 1913, 1914, and 1915; Pennsylvania, 1914 and 1915; Tennessee, January, 1914. After prohibition was adopted they went on record in protest because labor recognized the injury done to the working class, through the adoption of prohibition and the consumption of this vile liquor which you drive the people to when you deprive them of their beer.

Mr. BURKE. What State was that?

Mr. PROEBSTLE. Tennessee. Texas, every year since 1914; Utah, every year until the last, 1915, notwithstanding practically that the Utah Legislature is putting down their throats statutory prohibition for the people of Utah; Vermont, 1915; Washington, 1914; Wisconsin, 1908 up to date.

President Gompers of the Federation of Labor, who speaks for organized labor—no man can doubt that he speaks for organized labor—said on June 15, 1916:

ST. LOUIS, MO., June 15, 1916.

PETER SCHAEFFER,

*President Trades Union League,
217 Manhattan Building, Duluth, Minn.:*

Your telegram inviting me to come to Duluth to address mass meeting received. Within a day I leave St. Louis to address mass meeting at Youngstown, Ohio, Sunday, and must then return to Washington on important work awaiting me there. Replying to your request for an expression of opinion on the subject of prohibition, beg to say that as the result of my travels in several countries, my observation and study, prohibition by law of the liquor business is not a blessing, as its advocates declare, but a curse. Prohibition has not and does not make men abstainers or even temperate. But, in addition to increased intemperance, prohibition makes men otherwise law-abiding, law-breakers. There is no power more potent to make men intemperate, not only in drinking but in all things of life, than the organized labor movement, which secures for the workers a shorter day, higher wages, better working conditions, and better surroundings in their homes. The liquor business requires just and fair regulation; prohibition is unfair, unjust, and makes for unfreedom, and is anti-American.

SAMUEL GOMPERS.

Gentlemen, this is the sense of organized labor, and we plead with you as statesmen not to plunge this Nation into a worse condition than it has ever been in before. It lies within your hands to make recommendations to Congress for a fair investigation, and a solution. You have appointed commissions for less reasons than that; and we ask that a scientific commission should be appointed which should handle and study the question, and come in with a report to

Congress which would enable Congress to deal intelligently with the question, and perhaps foster temperance. None of us like to see the drunkard; but if a man is weak morally you can not make him strong. If he does not fall for drink, he falls for dope or any other of the weaknesses of human nature.

Mr. CARY. Mr. Chairman, right along the lines that our friend is talking on, I have here a list of distilleries destroyed during the last year which I should like to put in the record. This is from the Internal-Revenue Department, and it contains the number of gallons of whisky captured and seized at that time.

Mr. FOCHT. What kind of distilleries?

Mr. CARY. Illicit.

Mr. FOCHT. Yes; illicit.

Mr. CARY. I will read this or ask to have the figures placed in the record.

Mr. WHEELER. Have you completed your remarks, Mr. Proebstle?

Mr. CARY. He has not finished, but this follows up the remarks that he has just made.

Mr. WHEELER. You are interfering with him. Let him get through.

Mr. BURKE. We will hold an evening session, if necessary, and grant you a hearing.

Mr. CARY. Yes; we can sit all night, too.

(The statement submitted by Mr. Cary is as follows:)

State.	Illicit stills.	Gallons seized.	State.	Illicit stills.	Gallons seized.
Alabama	603	.....	South Carolina	238	.....
Arkansas	4	.....	Tennessee	330	.....
Florida	135	.....	Texas	3	1,064
Georgia	667	1,227	Virginia	336	2,284
Kentucky	150	12,529	West Virginia	16	32
Minnesota	1	.....	Illinois .....	.....	1,649
Mississippi	6	.....	Wisconsin	1	.....
New York	1	605	Maryland .....	.....	328
North Carolina	882	678	Massachusetts .....	.....	1,410
Ohio	1	4,063	Vermont .....	.....	151
Oklahoma	1	.....	Total	3,376	28,868
Pennsylvania	1	2,817			

Mr. PROEBSTLE. Gentlemen, they are confiscating property by statutory provision. We can do nothing but protest. When the people are carried away by mere sentiment and the people confiscate the property and the homes of our brothers like they have done in the State of Washington, where thousands of our members have been thrown out of employment, and like they have done in Michigan, where other thousands will be thrown out of employment and their homes confiscated, we have no power of redress, and have to expect that some day in the future justice would be done; but when this Congress, the lawmakers to whom we look for justice, are contemplating to do these things, we have a right to say to you, "Stop and listen. We have a story to tell you." I do not believe that you gentlemen have been sent here to deprive any man of his employment. I do not believe that you have been sent here to establish the confiscation of property.

I said the other day to a Senator, "Senator, you are a coal-mine owner. You have been the father of the prohibition bill in West

Virginia, confiscating \$9,000,000 worth of brewery property in the State of West Virginia. You were the father of that bill. Suppose I come along and start an agitation to confiscate coal mines without compensation, what would you say? Supposing I would come along and start an agitation to confiscate the gas of West Virginia, which God Almighty placed in the ground? You are not the owner of it. What would you say?" "Oh, I have never looked at the question from that point of view. I have never understood that I have been instrumental in throwing your people out of employment." But he did; irresponsibly or deliberately he did; and, gentlemen, I hope you are not going to be guilty of a crime like that. We have 500 men here. I consider that our industry, which is 6,000 years old, because the Egyptians brewed beer, and down from the Egyptians the brewing of beer has been an art and has been developed; I consider that our industry is legitimate, as legitimate as the preaching vocation is, to preach the gospel; and I consider that prohibition is wrong in all its phases. You can not make men moral by law. You have got to make them moral by teaching. And if you, as the law-makers of this country, are going to establish the precedent that Government is confiscating property and employment without provision, unless there is a necessity, do not expect to get any sympathy when, in 10 or 15 years from now, the working class of this country will confiscate all this, because we are the producers. If you deprive us of the last opportunity of living our own life you may expect revolution.

Mr. GOULD. Oh, no. You have your remedy. You can go and get your men to the polls and send men down here that will do what you want them to.

Mr. PROEBSTLE. This country is probably the only one, as I said yesterday, which has ever attempted the principle of confiscation along these lines. France, Germany, and Switzerland have dealt with the question in a sane manner. We have been told that prohibition has been established in Russia. Nothing of the kind. Beer is brewed to-day in Russia. Beer is brewed to-day in France. Beer is brewed to-day in England and in Switzerland, and in all of those countries. And when the manufacture of noxious drink was prohibited with the arrangement of the Government to compensate just as in the case of confiscation of any other business.

I beg the pardon of the Congressman if he thinks that I offended him. My mind was running on the whisky revolution during Washington's administration, in Pennsylvania.

Mr. GOULD. I object to that kind of talk.

Mr. PROEBSTLE. This is history.

Mr. GOULD. I mean, saying that there is going to be a revolution here unless you have thus and so.

Mr. PROEBSTLE. I have not said so. I say that if you deprive the working class of all liberty, you may have revolution of the Government by consent of the people.

Mr. GOULD. I object to that kind of reasoning.

Mr. PROEBSTLE. It is a Government by the consent of the people.

Mr. FOCHT. But not by revolution.

Mr. PROEBSTLE. I hope it is evolution, gentlemen. We all pray for evolution and not for revolution. None of us like revolution.

But when the upper class is going to become oppressive, what will be left to the downtrodden working class?

Mr. FOCHT. You have just got through telling us that the wealthy class were contributing to prohibition, and sending money out here to help the prohibitionists.

Mr. PROEBSTLE. Yes.

Mr. FOCHT. That is what you said.

Mr. PROEBSTLE. Yes.

Mr. GOULD. How are your labor representatives in the House going to vote on this question? Now, that you are talking on the union proposition, I will ask you that.

Mr. PROEBSTLE. I want to say that I consider prohibition wrong in principle. I want you to kill this bill. But if you, in your wisdom, do not want to kill the bill yourselves, then at least leave it to our neighbors to decide, whose employment shall be confiscated or not.

Mr. GOULD. I understand you that there are several men who are supposed to be labor union men in the House of Representatives.

Mr. PROEBSTLE. Yes.

Mr. GOULD. What I asked you was if they have been told as to their position, what position they will take in connection with prohibition—dry or wet?

Mr. PROEBSTLE. They have not; no, sir.

Mr. GOULD. Have you reasoned with them at all, or anything like that?

Mr. PROEBSTLE. No, sir. I do not know how your vote on this bill will be. I have no idea. I hope that it is not going to be in favor of the bill.

Mr. GOULD. How would you consider a labor union man, then, that voted for it—voted dry?

Mr. PROEBSTLE. I would consider him a very poor representative of organized labor, if he would vote out of employment his fellow men.

Mr. GOULD. Thank you.

Mr. PROEBSTLE. Gentlemen, this is practically concluding my remarks before you, and I want to thank you for the opportunity which you have given me. It is with that hope I am concluding that you will give the matter serious consideration. I am talking for 500 men who are going to be involved, who are working in these breweries. I am going to talk for the men who are employed in these barrooms and for the other 400 or 500 who, incidentally, work in the industry in this community. It is unjust for you men to deprive these men of employment and throw their families out in that way.

Mr. COLUMBUS. Mr. Clayton, representing the board of trade, was unable to be here before. He wishes to be heard now.

Mr. JOHNSON. Is it the pleasure of the committee to hear Mr. Clayton?

Mr. DOOLING. Can we not adjourn until to-morrow morning?

Mr. JOHNSON. A motion to adjourn is always in order. Without objection, Mr. Clayton will be heard until 10 minutes to 12.

STATEMENT OF WILLIAM McK. CLAYTON.

Mr. CLAYTON. Mr. Chairman and gentlemen of the committee, as was stated by Mr. Columbus, I was unfortunately not able to be

present at the time, on Friday, that the representative of the board of trade was heard, but the duty that I owed that organization and also the feeling that some information I may have from having lived in the District for 40 years and been associated with the organizations here for most of that period of time might be useful has led to my appearance this morning. I do not know whether the impression has been given to the committee, but if it has I wish to, if possible, remove it, that those who advocate the referendum in the District are the friends of the liquor trade, directly or indirectly associated with them; that those who oppose the referendum are the only true friends of prohibition. That is not true. If you want further evidence along that line, I might point to the showing made by the Federation of Citizens' Association this morning, which is the central body of those associations, in which, while they voted for prohibition, and after a referendum vote in every one of their societies, they voted for the referendum itself on this question.

One matter I want to call to your attention just now is this: Some question was raised in the committee, and I was interested in it at the time, as to whether this was a sudden awakening on this matter; why the District of Columbia has not been busy asking for the referendum on other matters? It has been. An organization which I happened to be a member of 20 years ago went on record asking for referendum on a certain matter here, and for those 20 years these citizen associations throughout the District have been busy asking for some referendum on this matter and that matter and for a vote in the District of Columbia, and the reason why we have not gotten any place with that proposition, I think, has been more due not to the nondesire of Congress to help us and give us some voice in our own affairs, but I think to the inertitude of our own people. They have not yet waked up to the true American spirit, which would simply impress Congress so strongly with this matter that we could get somewhere on this proposition. The chairman of this committee years ago called attention to this fact upon our desire for self-government here, and he stated as soon as the people of the District of Columbia could show Congress that they really wanted self-government and the vote they would get it; so that I believe the fault lies not so much with the Congress in this matter as with the people of the District of Columbia.

We are making here the effort of our lives to impress this committee with the idea that we want a referendum. We want it on this, and if we fail to secure the consent of Congress for the referendum vote on this matter we will fail when we wish a referendum in regard to public utilities in the District. We have as much right to ask it on this question as we have on that, and we believe that if we fail here we will fail then.

Now, are the people of the District of Columbia or not of such a character that they would be entitled to the respectful granting of this, their petition, for the right to decide this; not to decide it ultimately, but to advise Congress as to how they feel upon it? One of the objections urged here by those opposing the referendum was this, that there would be a carnival of crime; that there would be such a condition of affairs in the District of Columbia by these people voting here that it would be a stench in the nostrils of Congress, and an abhorrence to every true lover of American liberty.

May I invite your attention to this—and just on that line I want to suggest this to you: We had a hearing before the Senate committee on the District of Columbia, in which we asked a certain right to vote here, and among the witnesses who appeared before that committee was the Senator from Oregon, Senator Chamberlain, who has lived here for some years. Senator Chamberlain had this to say in regard to the electorate of the District:

I think it is unnecessary for me to even refer to the intelligence of the people here. They represent the highest types in all things that go to make up a splendid citizenship, and I have no doubt if they were granted the right, etc.

We have the report of the Senate committee on that delegate bill, in which attention is called to the fact that so far as they could find out from information given to them the people of the District of Columbia were as fitted as, and probably in some cases more fitted than, the people of any other part of the United States to exercise the right of suffrage. But as to this cry of "wolf" that is raised in regard to the crime that would prevail, and bribery, and all that, permit me to suggest that the passions that would be aroused by a referendum vote on this particular question have been shown. We have been agitating this question in the District of Columbia for the last year, and it has been discussed pro and con in every organized body of citizens. Meetings have been held beside each other, recently, by those in favor of referendum and prohibition, and those against, and the people have mingled; and yet the police records show that when the men on one side who believe that their property is endangered and that their personal liberty is endangered and the people on the other side who are doing these things have met, yet there has not been an assault on anybody in the District of Columbia, nor has there been a riot, nor has there been any attempt made to impress their views any further than verbally. These are the same people that would vote on a referendum that have had these meetings. Is not that an argument to show you that the people of the District are law-abiding and are able to meet this question?

There is just one more argument I want to make to this committee, because I am anxious to clear the name of the city that I have been living in all my life. Some gentlemen seem to have gone out of their way to impress the committee with the idea that of all the cities of the habitable world the District is the last city they should give consideration to, as to consent to the laws they ought to have, because we are not fit to have a say.

Mr. CARY. Do you think you are just as fit to vote as the people of Porto Rico?

Mr. CLAYTON. I hope so. The savages of the Philippine jungles are invited, and the dark-skinned natives of the tropical islands are invited to sit at the table of legislation. Then why should it be that these people who have lived, and their ancestors, at least some of them, for a hundred years, at the Capital of the Nation, where the fountain of liberty should flow the freest and best, who live closest to the flag, and where the Declaration of Independence is kept, in the archives of the State Department here, why is it that these people, of all the people in the United States, must be classed with the unfortunate inmates of insane asylums, and those who wear

the stripes in penitentiaries? I believe, gentlemen, just along that line, that this clause in the Constitution, of exclusive jurisdiction over legislation, if it meant anything at all meant something entirely different from what the Congress of the United States has sometimes construed it to mean. It meant not that we should be given the most narrow, most illiberal, most illogical system of government here, but it meant that the Representatives of the 48 States in Congress assembled would give us the very flower of American Government in the capital that was especially given to them to cultivate; that here on this soil would spring the fairest flowers of Republican and Democratic Government.

Mr. JOHNSON. The fixed hour of adjournment has arrived.

Mr. WHEELER. I move that we adjourn until 2 o'clock this afternoon, Mr. Chairman.

Mr. COLUMBUS. No.

Mr. JOHNSON. The motion is——

Mr. WHEELER. I move that we recess until 2 o'clock.

Mr. JOHNSON. A motion is made that the committee recess until 2 o'clock.

(The question was taken.)

Mr. JOHNSON. The noes seem to have it. The noes have it, and the committee refuses to recess. The hour of adjournment having arrived, the committee stands adjourned.

Mr. FOCHT. Until when?

Mr. JOHNSON. Until 10 o'clock to-morrow morning.

(At 12.30 o'clock p. m. the committee adjourned until to-morrow, Wednesday, February 21, 1917, at 10 o'clock a. m.)

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA

HEARING

BEFORE

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

SECOND SESSION

ON

S. 1082

**TO PREVENT THE MANUFACTURE AND SALE OF ALCOHOLIC
LIQUORS IN THE DISTRICT OF COLUMBIA,
AND FOR OTHER PURPOSES**

FEBRUARY 22, 1917

PART 10



**WASHINGTON
GOVERNMENT PRINTING OFFICE**

1917

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, February 22, 1917.

The committee met at 10 o'clock a. m., Hon. James T. Lloyd (acting chairman) presiding.

STATEMENT OF MR. CHARLES J. COLUMBUS, SECRETARY DISTRICT OF COLUMBIA ASSOCIATION.

Mr. COLUMBUS. Mr. Chairman, before introducing the next speaker, I would like to call attention to a very unusual circumstance that happened in this room in the last few days, and something else bearing on it. I think it was two days ago that, at the conclusion of the hearing, a lady approached me and asked me if I really thought that this prohibition bill, as presented, would hurt business in Washington, and my answer was that it would, in my opinion. She said, "Do you know that the views on this question of some Washington merchants are already hurting them?" I said, "What is your name, madam?" She said, "Oh, I am not going to tell you my name." I said, "Well, what are the names of these merchants?" She said, "No; I will not tell you the names of the merchants. But," she said, "they are being boycotted just the same." I said, "Is not that strange? Is there some temperance organization doing it?" She said, "No; there is no temperance organization doing it." Later on, in talking with a member of the Anti-Saloon League I was told by this member that the Anti-Saloon League is keeping a list of merchants who are favorable or unfavorable to it. I said, "That looks like a boycott." She said, "Oh, no; it is not." But, gentlemen, I want to present, this morning, a letter that a merchant of Washington did receive, and I leave it to your own best judgment—

Mr. LLOYD. Is it a signed letter?

Mr. COLUMBUS. Yes; it is dated March 3, 1916, on the letterhead of the Anti-Saloon League of the District of Columbia. It reads:

At the meeting of the headquarters committee of the Anti-Saloon League of the District of Columbia, held a few days after the meeting of the Retail Merchants' Association which passed a resolution in favor of a qualified referendum, it was noted with regret that you had taken a very active part in favor of the referendum. I was directed to express that regret to you.

It may be of interest to you to know that three persons present at that meeting stated that they were patrons of yours, but felt that they could no longer

patronize you. Your attitude came as a shock, all the more keenly felt because of your religious affiliations.

Sincerely, yours,

ANDREW WILSON, *President.*

Mr. LLOYD. To whom is it addressed?

Mr. COLUMBUS. I prefer not to mention the name.

Mr. LLOYD. You have no right to use Mr. Wilson's name unless you give the other name.

Mr. COLUMBUS. Well, I do not want to give that.

Mr. LLOYD. That is not fair, I would say. It is not fair to bring Mr. Wilson in here as having written a letter unless you give the whole letter.

Mr. COLUMBUS. I have given the letter, all except the name of the man to whom it was addressed.

Mr. LLOYD. There is no question about the letter, nor any, I suppose, about the signature. If you want to introduce the letter, all right; but if you want to introduce the letter you ought not to refuse to give it all, including the name of the man to whom it was addressed.

Mr. COLUMBUS. I do not think it is necessary or called for to give this merchant further publicity, as this letter seems to indicate that he had—

Mr. LLOYD. You have given him publicity and you have given the matter publicity without saying who it is.

Mr. COLUMBUS. I have this letter. Here is the letter itself.

Mr. LLOYD. Yes; but the letter itself may be addressed to the Kaiser, so far as we know. There is nothing to show to whom it is addressed, and you ought not to introduce a letter unless you say to whom it is addressed. You must understand that is entirely unfair.

Mr. COLUMBUS. Well, now, if the committee feels that it would be unfair to do this, and if it is the sense of the committee that it would appear to be—

Mr. LLOYD. There would be no objection at all, I am sure, if you would get the consent of the individual who delivered the letter to you to present it here afterwards; but unless you get the consent of the individual to present it in evidence you ought not to present it.

Mr. COLUMBUS. The individual gave me the letter to use.

Mr. LLOYD. Yes; we are not questioning that. But you ought to have your authority to use the letter before you present it.

Mr. COLUMBUS. I have his authority to use the letter.

Mr. LLOYD. Just take off that strip and present the letter.

Mr. COLUMBUS. Well, I do not know that this man would have any objection to my giving his name. He is a courageous little chap. His name is M. A. Leese, 614 Ninth Street NW.

Now, that is a marked example of intolerance, if a man must subvert his views, from their standpoint, in order to stay in business. And, gentlemen, I call your attention to the closing sentence of that letter with regard to this man's religious affiliations.

Mr. LLOYD. Now, Mr. Columbus—

Mr. COLUMBUS. Just a minute, Mr. Lloyd. If this or any other public matter is to be decided, or if we are to work along the line of religious affiliations, the sooner we know that the better. I was more than surprised to see that letter.

Mr. MAPES. What has that got to do with the merits of this case?

Mr. COLUMBUS. It has a lot to do with the merits of this case. It goes to show the efforts that are being made to foist this particular class of legislation on the people of Washington, regardless of whether all the people of Washington want it. In my activities before this committee on this matter I have not taken sides one way or another with respect to prohibition or nonprohibition.

Mr. LLOYD. You recognize this, though, that the principle of a boycott is used all over the country by the labor people when they decide to use it?

Mr. COLUMBUS. But I do not regard that as fair. I am not here representing any labor organization. I have not introduced a labor organization into this hearing.

Mr. LLOYD. You introduced—

Mr. COLUMBUS (continuing). The committee introduced every one of those labor men.

Mr. LLOYD. Oh, no. Here you say the effect of that letter is that the Anti-Saloon League is going to boycott those who are in favor of a referendum.

Mr. COLUMBUS. I do not say so. This letter says so.

Mr. LLOYD. I say, you are antagonizing the principle of the boycott.

Mr. COLUMBUS. Absolutely; yes.

Mr. LLOYD. And the principle of the boycott is recognized everywhere. Any body that gets together and says, we will not trade with a man, we recognize that they have a right to do that.

Mr. COLUMBUS. Do you think, Mr. Lloyd, that it is fair to take his business away from a man because he has views, because he might be a Mason, because he might be a Knight of Columbus, because he believes in preparedness, or might be in favor of preparedness?

Mr. LLOYD. So far as I am concerned, I would not have written that letter or would not have indorsed the writing of such a letter, and I think the Anti-Saloon League, if it is responsible for that kind of literature, is doing that which is against its interests, and Mr. Wilson having written that letter has made a very serious blunder from the standpoint of the temperance people, in my judgment. I do not indorse anything of the kind. But, on the other hand, you want to hold people responsible for it who may not be responsible.

Mr. LOBECK. Then he says it was all the more keenly felt because of his religious affiliations.

Mr. COLUMBUS. There is another phase of it which should never be injected into anything in this country. From the beginning of this country every man has been free to follow whatever religious faith he wants to.

Mr. LLOYD. The letter does not disclose the religious affiliations. That sentence with regard to religious affiliations, if Mr. Wilson was here to explain it, might be well understood. They may be members of the same church organization and have a close relationship.

Mr. COLUMBUS. I wanted to present that, in view of that and other circumstances, and leave it to the committee.

Mr. LLOYD. All right. Have you anything more to present?

Mr. COLUMBUS. I want to present Mr. William McK. Clayton of the board of trade.

Mr. LLOYD. Proceed, Mr. Clayton.

STATEMENT OF WILLIAM McK. CLAYTON—(Resumed.)

Mr. CLAYTON. Mr. Chairman and gentlemen, in the very few minutes that the committee kindly allowed me at the last session, I endeavored, in that very brief time, to suggest to the committee that not all those who favored the referendum were either wet or dry, but they were on both sides of the question as a personal matter. Speaking as one of the representatives of the Washington Board of Trade, I can only go this far, and that is to present to this committee the desire for a referendum on this question, an appeal made by a body of men who are Americans in the American capital, to an American Congress, to be treated as Americans, on this question or any other question that may come before Congress of enough importance for Congress to seek to ascertain the wishes of the people for whom they legislate. In other words, the board of trade recognized this. While taking no stand, wet or dry, it did take a unanimous, emphatic stand for the referendum, because the board of trade, as we understood it, believe that the wet and dry question in the District was not of the importance at this time—

Mr. LLOYD. You do not mean to say that the vote was unanimous?

Mr. CLAYTON. No. I say almost unanimous. Believing that the question of whether or not the District should be free or slave was of more importance than whether it should be wet or dry; our personal opinions, as I say, on this question are our own. I have no fear to state my own personal stand on this question, and I think in justice to the people for whom I speak it should be stated, especially in view of this letter that has been read here, if I was going to vote in the District of Columbia I should vote dry. I should vote to drive from the district the legalized traffic that, in my opinion or in the opinion of many, sends the bodies of men rotten to the potter's field, and their souls unshrived before the throne of God. That is my personal stand on this question; and because it is, I am more than anything else for the referendum, I am a referendumist, and I take a stand on any other question in the District of Columbia—

Mr. LLOYD. May I ask you a question?

Mr. CLAYTON. Yes.

Mr. LLOYD. I have had some talk with you on matters of this kind heretofore, and I know something about your standing. You are in favor of a referendum, in good faith, on every proposition in the District?

Mr. CLAYTON. Undoubtedly.

Mr. LLOYD. And no more so on this question than you are on other questions?

Mr. CLAYTON. Not at all, and many of us who stand for the referendum appreciate the difficulty which we here encounter, and also regret that the first test-out, the first show-down, in Congress on a referendum, and to set the people of the District free on any matter of their own interest, should happen to come on this question. But that was not our choice; it was not our picking.

Mr. VINSON. You think this is a good way to start the referendum in the District?

Mr. CLAYTON. We will take any time and any opportunity. Twenty years ago, in an organization that I still belong to, I was

instructed as a Representative, at any time or on any opportunity, to press on Congress the desire of the people of the District of Columbia for a vote, and those instructions have never been rescinded. I bring this to your attention as information you should have, because that organization was a citizens' association, and when this matter was canvassed in it, of the wet and dry, and the referendum, that organization, with some 50 members present, voted 40 to 10 in favor of the dry, and voted unanimously for the referendum.

Mr. VINSON. I have made considerable investigation of the question of referendum. What suggestion have you to offer the committee in regard to the qualifications for the franchise in the District? How would you arrange that?

Mr. CLAYTON. I have lived here for 40 years, and I think I know something of the people of the District of Columbia. Of course, my views are colored by my political affiliations. I am a Jeffersonian Democrat, and I believe in making the ballot wide enough and broad enough to cover all classes of people in the District. I would not exclude anyone from what I believe the tenets of what Thomas Jefferson taught on this question.

Mr. VINSON. Do you believe that people who have a legal residence in the States and exercise the privilege of casting a vote there should have the right to participate in a referendum question in this city?

Mr. CLAYTON. On this particular question I would extend that right to them. Whether they would see fit to exercise it or not would be for them to say.

Mr. VINSON. You would be willing to make them citizens for the purpose of voting in two places, at their homes where they have their legal residence, and at their temporary homes in the city of Washington, where they are probably employed by the Government?

Mr. CLAYTON. I think so, on this particular question, if they lived in the District.

Mr. VINSON. Why on this question and not on others?

Mr. CLAYTON. I think this question is a question that they should very properly vote on here, living here and owning property here and having their families here, going in and out among us, and to all intent and purposes, excepting having a ballot to cast in the different States, being residents of the District, and meaning all to the District that anyone means, and I think on this that they should be given the opportunity to express their views.

Mr. VINSON. A moment ago you said you were in favor of a referendum on all questions. Why should not these people have the right to exercise the privilege of the franchise in the District on all questions as well as on this particular question?

Mr. CLAYTON. It might be wise to do that later on, but we will cross that particular bridge when we get to it. We have this particular instance before us, and I am speaking simply to that. I do not know what the people of this District will do on that, but the understanding is that the people should be given the opportunity to express themselves on this question.

Mr. LOBECK. Have you any idea of the number of people living here that claim citizenship in the States?

Mr. CLAYTON. Mr. Lobeck, I can answer that. There was a long time when a large number exercised the privilege of voting in the States. The exercise of that privilege has decreased very greatly,

until now the number is very much smaller. In other words, under civil service there is not the desire or the need, as they see it, to vote back in the States, and thousands of them have given up their votes in the States.

Mr. VINSON. If they are grateful to the men that put them here, they go back to their States when those men need them.

Are you willing that the referendum or the voting franchise should be extended to all male citizens over 21 years of age, and regardless of whether they are residents in their States, and would you include also the women in the District of Columbia?

Mr. CLAYTON. Personally, I am. In this particular question, as I stated, which approaches more nearly the American home or approaches more nearly all that makes the American home dear—the wife, mother, and children—I think the women should be allowed to vote.

Mr. VINSON. What kind of safeguards have you in your mind that should be thrown around the ballot in the District?

Mr. CLAYTON. I would throw the safeguards around it that are thrown by the so-called Poindexter bill, which was carefully drawn and which fits conditions in the District. Those safeguards cover 20 printed pages and are exhaustive. They were gathered from the best laws of the best States, and I do not see how anything could get by the regulations there proposed, in the matter of voting. I think something similar to that should be adopted.

Mr. VINSON. I do not recall this phase of it. What length of residence in the District is required for the privilege of voting?

Mr. CLAYTON. One year.

Mr. VINSON. The voter must be a permanent resident for one year?

Mr. CLAYTON. One year. Now, this matter of referendum seems to me to turn, probably, on three points. First, are the people in the District fit to vote? Secondly, should Congress grant them this privilege or this right?

Mr. LLOYD. I do not think anybody would want you to prove the first part of that proposition.

Mr. CLAYTON. You mean as to whether they are fit to vote?

Mr. LLOYD. Yes. I think everybody would regard them as fit to vote.

Mr. CLAYTON. I am glad of that.

Mr. VINSON. Here is the question that arises in my mind—

Mr. CLAYTON. Yes.

Mr. VINSON. The Constitution of the United States says that Congress shall have the exclusive right to legislate for the District. How can that right be by Congress delegated to anybody? Senator Jones delivered a very able legal argument on the question in the Senate which convinced me thoroughly that even if we sought to do it, it could not be legally done. I know that it has been done, but the point has never been raised.

Mr. CLAYTON. Will the point be raised at this time if that be true?

Mr. LOBECK. Mr. Vinson, you live in Augusta, Ga.?

Mr. VINSON. Yes.

Mr. LOBECK. Does not the Legislature of Georgia legislate for the city and give it its charter?

Mr. VINSON. But you must remember we are dealing with affairs here of the District as a whole, and in the municipality they are dealt with by the provision of the constitution which permits the State to confer upon them certain rights. There is no right given under the Constitution of the United States to confer any particular rights on the District of Columbia.

Mr. LOBECK. What is the difference between the Legislature of Georgia working under the constitution of the State and the Congress of the United States working under the Constitution of the United States?

Mr. VINSON. The difference is that the constitution of the State says that certain rights shall be delegated by the legislature to the municipality. In the Constitution of the United States it is said that the exclusive right to legislate for the District of Columbia is vested in Congress; and there is no doubt about the law that you can not delegate from one legislative body to another legislative body the right to make laws.

Mr. LOBECK. We have a broader right to charter than any legislature.

Mr. MAPES. We have only such right as is given us by the Constitution.

Mr. LOBECK. That is a question in my mind.

Mr. CLAYTON. I will try and clear up that question; if I can. As far as exclusive legislation is concerned, the fathers who framed the Constitution surely did not mean that that should be the striking down of all citizenship in the Capital of the Nation; that no matter whether you gathered a hundred thousand or a million people here they should be alien to the United States, alien to the Constitution, and alien to the District of Columbia, in this case, and at no time have anything to say as to the conduct of their own affairs. I believe it meant this, that there should be a supervisory power by Congress over what the people should do; and it meant, also, that the people gathered here, made up of Representatives and Delegates of the States, should be given such a republican form of government that it should be superior to any form of government that the States might have; not inferior, but superior. It was certainly in the minds of some of the framers of the Constitution along that line. And that expectation of those men has not been met; so that to-day, instead of the people of the District of Columbia being treated as Americans, they are gagged, roped, and tied, and set up as tenpins in the back yard of Congress.

Mr. VINSON. That is according to the Constitution.

Mr. CLAYTON. I do not believe the Constitution meant that; and if the Constitution did mean all that, then for 75 years Congress after Congress of these United States acted in ignorance of that and acted in violation of that principle, because for 75 years Congress after Congress did allow the people of the District of Columbia to vote, and, further, extended the right of participation in their own government; and we think we know how that right came to be taken away from us. We understand it thoroughly well here. and it is not necessary to go into that particular matter.

Mr. MAPES. How was that?

Mr. CLAYTON. Well, we continued until after the close of the War between the States, here, and then something happened. The col-

ored man of the South flocked up here. He followed the Army officer up to the District of Columbia—many of them did! They flocked in here until the field hands of the South, unfitted, of course, in every sense of the word to participate in Government affairs and to vote—a blunder that is now admitted; they should never have been given the vote, and it is admitted by everybody that it was an egregious blunder, a worse blunder on their part than on the part of the whites—

Mr. MAPES. That is a pretty broad statement, that it is admitted by everybody, is it not?

Mr. CLAYTON. Well, they got here and they exercised the vote, and of course it became such a stench in the nostrils of everyone here—I am not speaking of the racial question, but it is an absolute fact—that there came a demand on the part of some people in the District of Columbia to do away with the vote, and the only way to do away with the vote is, if you are going to take it away from the black you have got to take it away from the white; and so we bore, in the District of Columbia, politically speaking, the white man's burden on that.

Mr. MAPES. That was the reason that the present form of government was inaugurated, so as to deprive the colored man of the right to vote?

Mr. CLAYTON. We so believe, from the debates in Congress.

Mr. VINSON. It was because of the great amount of fraud.

Mr. CLAYTON. Undoubtedly that flowed from that vote.

Mr. VINSON. Yes.

Mr. MAPES. Now, you are arguing to go back to that other system.

Mr. CLAYTON. You can never go back to those conditions, and for this reason: You have had, since the time that the vote was taken away from the District people, 50 years of education in the District of Columbia. Those field hands that I referred to, untutored and unfitted to cast the ballot, are gone. Their children have been educated in the public schools here, supported by Congress, until to-day when you examine the illiteracy in the United States of America, while the average of illiteracy in the Nation is 9 per cent, we find the District of Columbia, with nearly 30 per cent of its population black, is less than 4 per cent illiterate, one-half the percentage of all the United States of America, and with a percentage less than in 25 of the States of the Union. Now, are those people, after 50 years of education in the principles of American government, to be said to be unable to understand how to vote upon a question like this? Then is our republican form of government an admitted failure. Where? In the Capital of the Nation.

(At this point Mr. Crosser assumed the chair.)

Now, one other suggestion, and that is this: If the time is ever to come in the District of Columbia when you could afford to give a vote, it is just at this time. This country of ours is facing a crisis that it has never faced before. You call upon the people of the District of Columbia to do their duty; and last night at the meeting of the very organization that I speak for they rose to their feet, tumultuously applauding the sentiment expressed by a speaker, "No matter what comes, we are all Americans," and they waved the American flag. They are at the front to-day, the citizen soldiery of

the District of Columbia. You put the gun in the hands of the District man to protect the flag. Why can you not trust the same man with the ballot to vote to uphold the flag? If he is fit to defend the country with the gun, is he not fit to protect it with the ballot?

Mr. MAPES. May I ask, do you think that if this question was submitted to the House of Representatives it would vote the District dry?

Mr. CLAYTON. Do you mean this bill?

Mr. MAPES. Yes. Have you followed the vote in the House enough to have an opinion on that question?

Mr. CLAYTON. If you ask me personally—

Mr. MAPES. Yes.

Mr. CLAYTON. If it is my personal opinion you ask, I have it.

Mr. MAPES. What is your opinion?

Mr. CLAYTON. I think it would vote dry.

Mr. MAPES. If the liquor business is so bad as you have said it is in the opening of your remarks to-day—

Mr. CLAYTON. I said the legalized traffic in rum.

Mr. MAPES (continuing). And if it puts a great many men into their graves, why do you want it submitted to the people? Why not let the House of Representatives have a chance at it and let the House of Representatives do away with it?

Mr. CLAYTON. In other words, the end justifies the means. That seems to be the attitude of that organization we have here, the Antisaloon League, many of whom are my friends; and I will take the occasion just in a moment to state my personal attitude on that. That seems to be the attitude, that the end justifies the means. Reach the end, no matter what the means you take to do it. If you must strike down the liberties of 400,000 people to reach the end, do it. What reason have you to believe to-day that these 400,000 people in the District of Columbia would not go further than your Congress goes on this question, and vote dry? Give them a chance.

Mr. MAPES. If it is a bad thing, get rid of it.

Mr. CLAYTON. But do not get rid of it in an unlawful and illegal and un-American way.

Mr. MAPES. Your position is that the people of the District of Columbia ought to have home rule and govern themselves within certain prescribed limits?

Mr. CLAYTON. That has been our understanding here, and we got this far with this proposition, that we have gotten a favorable report from the Senate District Committee granting us the vote in the District of Columbia, after hearings extending over two months. They heard the case. So that we have gone some of the way. Of the two branches of Congress we expected more sympathy and support from the popular branch, the House of Representatives, than from the Senate; but here we are met with the suggestion "Because you had 75 years of unconstitutional legislation in regard to the District in which you had the vote, we are now going to turn around and give you no vote." That is an unconstitutional attitude of Congress, as I see it. May I read just an extract from this report submitted to the United States Senate after this question had been disposed of. It will only take me two minutes.

Mr. BURKE. What is the date of that?

Mr. CLAYTON. This report is dated May 15, 1916. This report said:

Congress meets in the Capital. Senators and Representatives come yearly to perform their legislative duties, refreshed by contact with their home people, and because thereof better able to represent their views. Each of their constituents is a sovereign citizen; he is a part of the Government, State and Nation; he has a voice in the selection of his officers and, either directly or indirectly through his representatives, makes and enforces all laws, State and National, affecting life, liberty, and property. But here in the District of Columbia, in the Capital of our country, in the shadow of the very dome of the Capitol itself, where our Chief Executive lives, and where sit the greatest court in the world and the two branches of Congress, controlling the affairs and the destinies of a hundred millions of people, live nearly 400,000 American citizens whose life, whose liberty, and whose property are under the absolute control of the Executive, the Congress, and the judiciary, without any right to vote or to participate in the making or administration of the laws under which they live and move and have their being.

Mr. VINSON. Have they ever infringed on the life, liberty, and property of the 400,000 inhabitants of the district?

Mr. CLAYTON. They are infringing every day. They are legislating for the 400,000 people without giving them a right to participate in their own home affairs. We do not ask this as a favor of the Congress.

Mr. VINSON. You demand it as a right?

Mr. CLAYTON. We demand it as a right under the Constitution, which guarantees to the American people a republican form of government. We have not a republican form of government in the Capital of your country; and until we get it we will continue to demand it, on this question and every other question, every opportunity the committees of Congress are pleased to give us. That is the stand on the referendum.

Mr. CROSSER. Do I understand you are in favor of local self-government?

Mr. CLAYTON. Yes, sir; That is, not municipal. I do not mean a town council, and those things. We have left those out. We want those broader things which could be given without infringing any national relation.

Mr. LLOYD. Where would you draw the distinction?

Mr. CLAYTON. That would take me quite a while for me to give that, because there are many schools of thought along those lines; and all I want to do this morning is to press home upon you our great desire for a referendum vote on this matter and other matters of large importance to the people of the District of Columbia.

Mr. CROSSER. Do you believe in the optional referendum on all matters; I do not mean to say compulsory, but optional?

Mr. CLAYTON. I think that is a step in the right direction. I do not know whether it has always worked or not, but as a broad principle it is right. This report concludes as follows:

More American citizens live in the District of Columbia than in any one of the States of Nevada, Wyoming, Delaware, Arizona, Idaho, or New Mexico, yet Senators and Congressmen have waxed eloquent in their demands that Territories subject to the control of the Federal Government shall have statehood and that our foreign possessions may have independence so that they may work out their own destinies. Is it possible that a Congress of a sovereign people will continue to insist, as they have insisted, that all the people of our island possessions shall have a voice in their own government and yet deny this sacred right to the nearly 400,000 people who live within the District

of Columbia? The control of the Czar of all the Russias over his subject is not more complete than is the jurisdiction of our Government over the people of this District.

Mr. VINSON. That is due to this provision of the Constitution right here, that the Congress shall have power "to exercise exclusive legislation in all cases whatsoever over such district, as may by cession of the particular States, and the acceptance of Congress, become the seat of government of the United States."

Mr. CLAYTON. Now, may I answer that with what Andrew Jackson said in 1831 on that particular question?

Mr. LOBECK. He was a Democrat, too.

Mr. CLAYTON. In 1831 he said this to the Congress of the United States:

It was doubtless wise in the framers of our Constitution to place the people of this District under the jurisdiction of the General Government. But to accomplish the objects they had in view it is not necessary that this people should be deprived of all the privileges of self-government. Independently of the difficulty of inducing the representatives of distant States to turn their attention to projects of laws which are not of the highest interest to their constituents, they are not individually, not in Congress collectively, well qualified to legislate over the local concerns of this District. Consequently its interests are much neglected, and the people are almost afraid to present their grievances lest a body in which they are not represented, and which feels little sympathy in their local relations, should in its attempt to make laws for them do more harm than good. * * * Is it not just to allow them at least a Delegate to Congress, if not a local legislature to make laws for the District subject to the approval or rejection of Congress? I earnestly recommend the extension to them of every political right which their interests require and which may be compatible with the Constitution.

Gentlemen, that is from "St. Andrew" in 1831.

Mr. VINSON. What Senate document is that you are reading from?

Mr. CLAYTON. This is the volume of hearings before the subcommittee on the District of Columbia, Sixty-fourth Congress, first session, on Senate joint resolution 32, and I was quoting from the hearing of February 24, 1916. Now let me read you from the other side. I have read you from the Democrats, and now I will read you from the Whigs on this question, so that you will have expressions from both parties on this question.

President William Henry Harrison, in 1841, discussed the political status of the District sympathetically and earnestly, saying:

"Are there indeed citizens of any of our States who have dreamed of their subjects in the District of Columbia? Such dreams can never be realized by any agency of mine. The people of the District of Columbia are not the subjects of the people of the United States, but free American citizens. Being in the latter condition when the Constitution was formed, no words used in that instrument could have been intended to deprive them of that character. If there is anything in the great principle of inalienable rights so emphatically insisted upon in our Declaration of Independence, they could neither make nor the United States accept a surrender of their liberty and become the subjects—in other words, the slaves—of their former fellow citizens. If this be true—and it will scarcely be denied by anyone who has a correct idea of his own rights as an American citizen—the grant to Congress of exclusive jurisdiction in the District of Columbia can be interpreted, so far as respects the aggregate people of the United States, as meaning nothing more than to allow to Congress the controlling power necessary to accord a free and safe exercise of the functions assigned to the General Government by the Constitution. In all other respects the legislation of Congress should be adapted to their peculiar position and wants and be conformable with their deliberate opinions of their own interests.

Now, gentlemen, can I bring you—and the committee is entitled to the best on this question—could I bring you any stronger wit-

nesses on this question of what the interpretation of the exclusive right to legislate meant than Andrew Jackson and William Henry Harrison on the matter of the vote for the people of the District of Columbia? No.

But I need not stop there. Those statesmen are dead. May I read the opinions of those who are alive to-day? I have taken some little time on this particular matter to bring what I believe to be the best out of any number of them, to bring what I thought before you here.

Mr. LLOYD. Mr. Chairman, I am obliged to be at my office now, and I will ask you to excuse me.

Mr. CROSSER. If there is no objection, you are excused.

Mr. VINSON. If this committee concludes that it is advisable to have a referendum, would the Underwood referendum submitted to the committee in the Senate be acceptable, and does that cover all the phases of the referendum that you would like to see adopted?

Mr. CLAYTON. Practically so. Possibly in one or two phases it could be better, but it is a practical, working referendum.

Mr. VINSON. Mr. Cary or some other member might offer that.

Mr. CARY. I have a bill here myself.

Mr. BURKE. There might be some improvements on it.

Mr. CARY. I think the gentleman from Georgia has forgotten that I have a bill in the House myself.

Mr. VINSON. Yes; but that is a blanket measure, which is just to give them the right to vote without giving them any directions on the local vote.

Mr. CLAYTON. Let me read you some opinions of living statesmen. I read one statement from a Democrat and then one from a Whig, who are dead. Now I read this from a living Democrat:

The fact that under the shadow of the Nation's Capitol 300,000 American citizens, white and black, are completely disfranchised, not permitted to vote on any proposition under the sun, are reduced to the lowest state of being the Nation's wards, have no more voice in the Government under which they live than have the inhabitants of Africa is the saddest commentary to be found anywhere on the theory of representative Government.

Let me read you one of the standpatters.

Mr. BURKE. When did Speaker Clark give utterance to those sentiments?

Mr. CLAYTON. Sixteen years ago, and he has never taken them back and is ready to-day to say them over again.

Now, I read you from Senator Gallinger, who has had for 20 years a more intimate touch with the people of the District of Columbia than anyone else; who was for a long time chairman of the Committee on the District of Columbia of the Senate. He said:

I firmly believe that more responsibility should be placed upon the people of the District of Columbia. The form of government here is absolutely unrepugnant. It seemed so strange when I had studied in my history from youth up that the Revolutionary War was fought over the false principle of taxation without representation, and then to come to Washington over a hundred years after that great struggle to find the very same principle existing at the very heart of the great Republic.

I have always felt that an unjust situation exists here and that it ought to be corrected. Aside from the principle of the thing, I can see many advantages the people of the District will enjoy through having a Delegate to represent them in the body that governs them.

Mr. VINSON. There is no doubt there is a good deal of force in what you have been reading, but the trouble about our referendum is that it applies to this particular legislation without seeking to do what you seek to do, to give to the people a right of referendum on all questions.

Mr. CLAYTON. If you give it on this you would give it on others. If you do not give it on this you have closed the door on others, because the same line of argument was made here the other day, that there would be an opportunity for bribery and corruption here, that would not exist on any other thing, because the liquor people would pour their money in here and corrupt the electorate. You might say the same thing in regard to a referendum vote on municipal ownership of the street car lines. Would you not be met on that proposition by the anti-referendum people with the statement that the street railroad corporations of the Capital would pour their money in here and corrupt the electorate. If you can not meet that on this subject you can not meet it on any other. We do not ask it in this particular matter, but it is undoubtedly your right to do it; that is, you have the opportunity. You can do it if you want to. There is absolutely no question about it.

Now, whether you do it or not is for the Congress of the United States to say; but there is just this one thought in my mind: Wherein has the District of Columbia failed at any time in her duty to her country? Away back before the Government of the United States was formed and this ground was picked out here Marylanders and Virginians, whose descendants are here to-day arguing for the manhood right, to stand up as Americans in the council of the Nation, went forth and wore the buff and blue in Washington's Army. In 1812 the citizen soldiery of the District of Columbia laid their bodies down under the fire of the redcoats of England, and in 1814. In the Mexican War the District of Columbia sent more of her citizen soldiery to the Texas plains than did 23 States of the Union. In 1861 the citizen soldiery of the District of Columbia saved the Government buildings from assault, and guarded them before Abraham Lincoln's call for 75,000 men brought those men to the Capital.

In the Spanish-American War the first tent pitched at Camp Alger were the tents that covered the citizen soldiery of the District of Columbia.

The District of Columbia has more men in her National Guard, ready for duty, than 23 States of the Union.

Mr. VINSON. There is no doubt about the people of the District being law-abiding and patriotic.

Mr. CLAYTON. And as I said in the beginning, if you can put a gun in the hands of the District man to protect the flag why can you not, in the name of a common Americanism, put the ballot into his hands so that he can vote to uphold that flag?

Mr. MAPES. Being such a sincere believer in the vote for its own sake and believing, as you have said, that the House of Representatives would vote for this prohibition bill—

Mr. CLAYTON. That was my guess.

Mr. MAPES (continuing). And make the District dry, do you not think that you would have more of a chance of getting the referendum for the District if you came here advocating referendum on a

separate proposition; and do you not think that certainly with such influential men as Speaker Clark in the House and Senator Gallinger in the Senate approving of it you could get a hearing on the referendum for its own sake without attaching it to a liquor bill which a great many think ought not to be passed?

Mr. CLAYTON. May I tell you a story along that line?

Mr. MAPES. I would just like to have your views on that question.

Mr. CLAYTON. I can answer you with the story of the two Irishmen who landed in New York some years ago and started to go West to find gold. They started off, and in passing through the streets of New York, eagerly and hurriedly to get on West, one of them noticed something shining on the pavement and he stooped and picked up a \$20 gold piece. But his companion hurried him along. He said, "What is it?" The other said, "Look at the gold piece." "Oh, drop that. Don't fool with things like that. The streets are paved with it out West." So you would invite us to drop our efforts on the referendum on this question and come back again on some other question. We are here to fight for it just as strong at the opening of the door on this question as at any other door you will open to us.

Mr. VINSON. At what time in recent years has any effort been made by the people of the District to have the referendum given to them? I have been here eight years on the 4th of March, and some other Members have been here longer, and I do not recall having heard any other resident of the District or member of your association coming here and advocating the referendum before.

Mr. CLAYTON. We may not have been before this particular committee, but this very body of people, the board of trade, voted in favor of having Senators and Representatives and representation in the electoral college. But none of you gentlemen knew that until I stated it here. The opportunity has not come to them. We have been before the Senate and before other committees. We have pressed actively for it. We have had associations for 20 years that have been asking a referendum vote.

Mr. MAPES. This is the only committee of the House that considered this legislation except the Appropriations Committee.

Mr. CLAYTON. Yes, sir; but this committee until just about this time has not been very active.

Mr. VINSON. It was exceedingly active last year. It passed one bill, to remove bodies from one cemetery to another cemetery.

Mr. CLAYTON. I am not criticizing the committee for its inactivity. I think sometimes we get too many laws. I think sometimes if we could have our way we might have better laws and not so many. But do any of you gentlemen know this, that the District Delegate Association, with 17,000 members, acted at the last session of Congress in their way? It is hard to press things before committees of Congress, often, in the District of Columbia, but they actively pressed for the vote in the District, a referendum on the half-and-half principle—17,000 people—pressed it as actively as they could. Of course the door was shut in our faces. I do not say that insultingly.

Mr. WHEELER. If Congress was disposed to grant a referendum, is it your idea that women should be permitted to vote on all questions?

Mr. CLAYTON. On this particular question.

Mr. WHEELER. Why this particular question?

Mr. CLAYTON. I do not say on all questions. I am ready—I have changed my views on that. I was raised in the school of political thought which made it impossible for me to see my way clear; but I am not going to face the descending sun by the rising sun in American history, and I recognize that the time comes when old things must be made new, and I recognize the fact that woman is a factor in our life that she never was before, years ago; and if we are going to allow the immigrant after a few years' residence here to wrap the Stars and Stripes around him, and vote, I think that the women of this country are entitled to vote.

Mr. VINSON. Especially on this question?

Mr. CLAYTON. Especially on this question. If you should give me a dozen questions and ask me "On which one of these questions do you think women should be given a vote?" I would say, "Of all questions, this is the one." You can quibble and debate about others, but by all means give them the vote on this.

Now, if you pass this bill—and I have not expressed my personal opinion of it—without the referendum, can you expect it to be enforced? I believe in the rule of a majority. I am willing to live under the rule of the majority. I am willing to live under no other rule.

Mr. VINSON. Do you mean by that that if we pass this without a referendum, you are not in favor of the enforcement of this law?

Mr. CLAYTON. No; I do not say that. I say you will make it an awfully rocky road to travel to enforce it. But if you let the people of the District of Columbia advise you on this question—and that is all we ask; we do not come here and say that you have got to take our advice, but let us advise you—we believe you will do just what the members of the Electoral College do. They are not bound to vote for the men they are delegated to vote for, for President of the United States; but they have never violated their oath. You are not bound to take our advice, but I think you should so vote on this question, believing as I do that the District of Columbia is in the front rank of progressive thought. And why should she not be? She is the Capital of the Nation. Why should you not have the flower of your citizenship here? There are more schools and more law students here than there are in any State of the Union. There are more students in our medical schools than in those in 34 States of the Union. Why should you not have the best Americans living here? If you let them vote on this question, the majority would be one way or the other, and if the majority should be as I think it would be, you would have no trouble in enforcing the law.

Let me say one word about people who are engaged in this business. Personally, now, I want to make this clear, because the organization that I represent is entitled to it. I have practiced law in the District of Columbia 25 years, and I have never represented in the courts, before the commissioners or before the excise board, a liquor interest at any time, as attorney or any other way. I have never signed an application for a barroom license at any time; I have never rented property for a barroom at any time. Still, I recognize in the full, as an American, that the people who conduct this business, under the legalized stamp of the United States Government, are entitled

to every opportunity of fairness and justice that you can give them. I have as good friends and as honest men and as clean men in their social relations and in their business relations, in all that goes to make up everything we delight to have around us, engaged in this traffic as I have in the antisaloon league—men I would trust just as quickly and as readily. It is not the men engaged in the business I pass by on the street and abhor; it is the business itself. But these people here—the antisaloon league people—do not rise to the opportunity that is given them on this question. They mistrust the people. I tell you, gentlemen, you talk about things changing—I will take just a moment, and then I will be through—you talk about things changing and old things becoming new. You have the same political question to-day being debated that they had at the foundation of this Government. There is the same difference in the attitude of men, mistrust of the people and trust in the people. You scratch the anti-referendunist to-day on this referendum and you scratch the Hamiltonian, the man who does not believe that the people can properly decide any question of government; that it must be decided for them by the overlordship of somebody else. You scratch the referendunist and you scratch the Jeffersonian, who believes that the people themselves should be given at all times the opportunity to share in the affairs of the Government under which they live. You take those of the two opposite schools of political thought, and they call them in England to-day Liberals and Conservatives; and you scratch them and you will find the old Whig and the old Tory. So that we bring you to-day those two types. They are here, and will be here as long as the Stars and Stripes float and as long as red blood flows in the veins of the people—referendumists, who trust the people; anti-referendumists, who distrust the people.

Mr. VINSON. The fact that the members do not indorse this bill does not necessarily mean that they distrust the people of the District of Columbia. It might mean, and properly means, that they are of the opinion that the people of the District of Columbia should have, of course, local self-government, or should be given more right to take some interest in the Government by general statute along that line, and instead of making it applicable to any one particular bill.

Mr. CLAYTON. Well, I wish I could feel that. I know that the Congressman means what he says, but knowing Congress as I have known it and touched it at so many angles for so many years, I feel this, that if we go away from this battle front defeated, and Congress says to the 400,000 people in the District of Columbia, for some reason or other, "We consider that it is not safe to let you vote on this; that you are not yet fit to express an opinion on it," I will go away discouraged, and the referendumists will go away feeling, "What is the use? What is the use? They say that some other day, some other time, on some other question, they will give the opportunity; but if the sun sets on this, we doubt if it will rise on any other question of local control in the District of Columbia." Now is the accepted time. Now is the hour of salvation on the referendum.

Mr. VINSON. Then you put your whole hope upon this one referendum?

Mr. CLAYTON. I put my whole hope on it, because as I say, it is not a question with us of the referendum so much, it is not a question so much whether the District shall be wet or dry, as it is the question whether the District of Columbia shall be slave or free.

Mr. MAPES. And you are willing to couple that with the proposition of whether the District shall be wet or dry?

Mr. CLAYTON. We do not couple them.

Mr. VINSON. You couple a good cause with a weak cause.

Mr. CLAYTON. Well, I am sorry if it is a weak cause.

Mr. BURKE. That is the question we want to determine, whether it is weak or not, and you fellows are afraid to submit it.

Mr. VINSON. You couple it with the liquor question.

Mr. CLAYTON. We do not couple it with that. We found it here before.

Mr. LOBECK. Did you not refer it in your own State, Mr. Vinson?

Mr. VINSON. No; and I want to put in the record that about six States in this Union have recently enacted prohibition legislation and left it to the people of the State, but the State of Georgia did not refer it to the people. A great many are like the people here, for referring it to the people.

Mr. GOULD. But did not the people elect their representatives? Did they not have their say there?

Mr. VINSON. No, sir. I was a member of the general assembly at that time, and was one of the 38 men who voted against State prohibition.

Mr. CLAYTON. And yet the very last State to act is Minnesota, and she passed her law and referred it to the people as to whether it should be approved or rejected.

Mr. LOBECK. And, if approved, it came into effect when?

Mr. CLAYTON. In 1920.

Mr. LOBECK. We did it in Nebraska last fall; and it will go into effect May 1.

Mr. BURKE. This coming May?

Mr. LOBECK. May 1—this coming May.

Mr. CLAYTON. You have been very patient in hearing me, and I appreciate it. Much has been said along the line of the unconstitutionality. If it is unconstitutional on this, then, for 75 years American Congress after American Congress acted unconstitutionally on this matter, and there never was any objection raised to it.

Mr. VINSON. I will say I have read the speech of Senator Jones, citing many cases, and I have had the corporation counsel of the District submit me a brief on recent cases. I do not know whether it is unconstitutional or not, but here is a very able argument that might convince the gentleman—he is more skilled in the law than I am—as to whether or not it is unconstitutional.

Mr. CLAYTON. I have had the pleasure of reading that. I do not say for a moment but what something can be said on the other side; but you should resolve any doubt that you may have, not on the side of further shackling or keeping the shackles on these people, or keeping them gagged and roped and tied, or making them an effeminate part of the political world—the sneer of every other liberty-loving people in the world—but resolve it in favor of and on the side of Americanism, and believe that the 400,000 people here are Americans and are entitled to everything that goes with the Con-

stitution, and the Declaration of Independence; and even if it comes to the matter of the law, this and that, do we not sometimes dwell too much on the letter of the law when human liberty is at stake? I will close with these lines:

Before the law was written down on parchment, then, with pen,

Before the law made statute books, the moral law made men.

Law stands for human rights, divine, and if it fails those rights to give,

Then let law die, my brother, but let human beings live.

I thank you, gentlemen.

STATEMENT OF MR. CHARLES J. COLUMBUS—Resumed.

Mr. COLUMBUS. Mr. Chairman and gentlemen, in every one of your home cities and your States you have a board of trade, you have a chamber of commerce, and, sometimes, a retail merchants' association, if they are live ones, and you have your citizens' associations, I suppose, too. You have heard from our board of trade, representing 1,600 of the best type of citizens that we have, not only merchants, but men in every line of activity, our chamber of commerce, our Retail Merchants' Association, our Federation of Citizens' Association, which came out absolutely for prohibition, but more particularly and just as strongly for referendum. I would like to call particular attention to this Federation of Citizens' Associations, representing as it does our citizenship here in a very personal way, as to their neighborhood needs. This organization is a most representative one. It has the good will of the President of the United States, and the solicitude of our Board of District Commissioners. The three trade bodies voted on this matter of a referendum.

Mr. MAPES. Do you mean to infer that the President is back of this, to give added weight to your argument?

Mr. COLUMBUS. No; I am simply describing to you and to the committee his interest in this organization, to give you an idea of the character of it, and the high standing of these organizations.

Mr. MAPES. Then why do you bring his name in here?

Mr. COLUMBUS. Exactly as I would—

Mr. MAPES. If it is not to add weight to your argument?

Mr. COLUMBUS. No; it is to give you an idea of the high character of the organization.

Mr. MAPES. Does the President favor the referendum on this bill?

Mr. COLUMBUS. I do not enjoy the President's confidence.

Following the action of these trade bodies in this matter, the presidents of the trade bodies and several others constituted an organization committee for the development of this referendum association, and at a meeting held at the National Theater on Sunday, March 4, 1916, resolutions were adopted, and some of the best people in this community expressed themselves on this question. The Evening Star had a very good account of this meeting, and I would like to read from it. This is from the Star of March 5, 1916, and is headed "Citizens demand referendum here."

I read from it as follows:

At a gathering of citizens that taxed the capacity of the New National Theater to its utmost, the District of Columbia Referendum Association, an organization pledged to work for legislation providing a referendum vote of

the people on all matters affecting the general welfare of the citizens of the District, sprang into existence yesterday afternoon.

A motion to form such an organization was made after addresses had been delivered by a list of speakers, including some of the city's most prominent business men, professional men, and clergymen on the right of citizens of the National Capital to vote on questions of vital interest to their welfare and more particularly the Sheppard prohibition bill now pending in Congress. When resolutions protesting to Congress against the denial of suffrage to citizens of the District of Columbia or the right to participate in a referendum and creating the District of Columbia Referendum Association were submitted for adoption, the vote was unanimous, not a single one of the gathering of approximately 2,000 persons having spoken in opposition to such a plan.

By the terms of the resolutions the officers of the citizens' committee which arranged for the mass meeting become the officers of the referendum association. They are William F. Gude, president; Robert N. Harper, vice president; and Charles J. Columbus, secretary-treasurer.

Mr. Gude presided at the meeting, and those who spoke were P. T. Moran, president of the Washington Chamber of Commerce; Simon Wolf; former Gov. Emmet O'Neal, of Alabama; Mgr. William T. Russell, pastor of St. Patrick's Catholic Church; Rev. Dr. Abram Simon, of the Washington Hebrew Congregation; R. P. Andrews, president of the Retail Merchants' Association; Frank J. Hogan, attorney and candidate for delegate to the Republican national Convention; and Edgar C. Snyder.

Resolutions introduced by Mr. Snyder and adopted by the meeting were as follows:

"Legislation is arising from time to time affecting the general welfare of the citizens of Washington; and

"Through the absence of suffrage or any other organized means for the citizens of the District of Columbia to express their needs or desires for the District of Columbia in a concrete and legally established form, or to participate in the government of the United States;

"We, citizens of the District of Columbia, assembled in mass meeting at the New National Theater, Washington, D. C., this 5th day of March, 1916, do hereby protest to the Congress and to the people of the United States that further denial of suffrage or the right of participation in a referendum as set forth is distinctly un-American and subversive of the interests of the body politic of this community;

"It is the sense of this meeting that the Congress of the United States be petitioned to enact legislation providing machinery that would take jurisdiction by referendum on all matters affecting the general welfare of the citizens of the District of Columbia, and after said referendum are executed that they shall be presented to the Congress of the United States by duly authorized agents or representatives in order that the Congress of the United States may at least have the benefit of the desires of all the people of the District of Columbia when it comes to the consideration of legislation affecting the general welfare, and that such legislation shall not be enacted until the said referendum have been had.

"It is the further sense of this meeting that the officers thereof, William F. Gude, chairman; R. N. Harper, vice chairman, and Charles J. Columbus, secretary-treasurer, shall present this petition to the Congress of the United States, and shall proceed with the formation of an organization to be known as the District of Columbia Referendum Association, which association shall assume the responsibility of securing legislation to realize our desire for a referendum on all matters affecting the general welfare of the citizens of the District of Columbia."

The injustice of depriving citizens of the District of Columbia the right of suffrage and representation in Congress which is enjoyed in some form or other by all other American citizens was the keynote of several addresses delivered at the meeting. In the initial address of the afternoon P. T. Moran, president of the Washington Chamber of Commerce, said that the citizens of the District have become so accustomed to having civic problems solved for them that many have become indolent about civic rights.

Mr. CROSSER. What is this you are reading from?

Mr. COLUMBUS. I am reading from the story about this National Theater meeting which was in the Star of the following day. I felt

that it would be more acceptable than some of our minutes or other data.

Mr. GOULD. Can you not furnish a copy of it to each member of the committee?

Mr. COLUMBUS. If you desire, I can do that, and it can go in the record.

Mr. CROSSER. Do you want to put it into the record?

Mr. COLUMBUS. This also shows the list of vice presidents of the meeting.

Mr. CROSSER. Is there any objection to its going into the record? If not, it is so ordered.

(The part of the newspaper article not already read by Mr. Columbus is here inserted in the record as follows:)

MAY HAVE BLUNTED SENSIBILITIES.

"The only excuse we can offer," said Mr. Moran, "is that we are not responsible for the condition of affairs and that long usage has blunted our sensibilities to the un-American government in the District.

"It seems that the apathy that held our manhood spellbound is passing and we are awakening to the fact that a hostile congressional committee can make the District a very undesirable place in which to own property, stocks, or business interests. We have been made to feel that the civic theories and beliefs of the congressional committees on the District, which we had no voice in electing, should not be thrust upon us."

Concerning the Sheppard bill, Mr. Moran said:

"If Congress should pass this bill many people of the District will feel that we have not been given a square deal, whereas, if a referendum vote is taken and the people of Washington decide for themselves that the passage of the Sheppard bill will be beneficial to the city, then none can feel aggrieved."

"In my wildest dreams I never thought that in my eightieth year I would have to plead before an American audience for manhood," said Simon Wolf, at the outset of his remarks.

Mr. Wolf said the race question should not enter into consideration of the question of suffrage in the District.

"Some colored men are bad, so are some white men, but colored men have no mortgage on badness.

"I am told that if the Sheppard bill is passed by Congress it will be a violation of law for me to offer to give liquor to a friend who might visit me in my home. But I want to say that I know there is that manhood in the District which believes that in event those clothed in authority should enter our houses to enforce such an unjust provision, a pistol in our hands would be justified to check such intrusion on the home."

The speaker was greeted with loud applause when, in concluding his remarks, he said:

"It will not be long before we will be able to enjoy suffrage and have the right to vote for President and Representatives in Congress and enjoy the rights which are now had by all other American citizens."

THINKS LAW WILL BE FARCE.

If the Sheppard bill is enacted into law without giving the citizens of the District a chance to register their stand either for or against it by means of a referendum vote, its enforcement will not be supported by the people of the District and the law will become a farce, according to a statement made by former Gov. O'Neal.

"If the Sheppard bill becomes a law, the people of the District will be called upon to enforce it," he said. "You will be called upon to serve on grand and petit juries, before which cases growing out of arrests made in connection with the law will be brought.

"But remember that no jury is stronger than public sentiment, and if the bill is forced upon you without your consent, without first giving you an opportunity to say whether you want it or not, it will not receive the support of the people."

Gov. O'Neal said he believes the Supreme Court of the United States would find many portions of the proposed Sheppard law unconstitutional if it is ever brought to a test.

"The bill ignores some of the fundamentals of common law; it changes rules of evidence that have stood the tests of years. It actually changes the universally accepted theory that a man is innocent until proven guilty."

Gov. O'Neal came out strongly in opposition to the Anti-Saloon League of America and its practices. He told of the manner in which Senator Underwood has been condemned in his State by antisaloonists because he introduced a bill providing for a referendum vote to settle the prohibition question in the District of Columbia. Contrasting government by the people of the District and that by the National Congress, he said:

"If evil exists, can not local government correct it better than a central body which was created to handle national affairs and not those which are purely local?"

TIME NOW TO PROTEST.

"It seems to me that we of the District are being treated as if we were inmates of St. Elizabeths," said Mgr. Russell in his address.

"Well, then, fellow inmates of this national institution for disfranchised Americans called Washington, I submit that it is time to protest.

"It is readily conceivable that, this being the National Capital, there are national interests to be safeguarded. At the same time it is inconceivable that these national interests can not be safeguarded without wholly disfranchising our people.

"We should have the right to decide purely local issues and an end should be put to the prostitution of our local offices to the political ambition of those who have nothing at stake in the District of Columbia.

"It is said that we are better off without the right to decide our own affairs. If this is true, may it not be urged as an argument against our whole republican form of government? If the citizens of this District of Columbia, who are at least as intelligent as those of the average American city, are better off without having a voice in their own local government, why should not the citizens of Boston, New York, and Philadelphia be better off without a vote?

"The people of the District have hitherto been frightened by a ghost—this ghost is not white, but black. It is said that the negroes would rule the District if we had a vote. Let us face the issue squarely. I contend that every man who has property interests in the District sufficient to make him responsible should have a voice in the District, whether he be white or black. Baltimore, Richmond, and New Orleans have large colored populations, yet they are able to settle their own internal affairs without difficulty, and I contend that we can do the same.

"Our present form of government in Washington is not only unreasonable, but ridiculous. Let me illustrate: Mr. 'A' is elected to Congress from some far-off Western State. He has not in his whole constituency a single city as large as Washington. He remains long enough on the District Committee to become its senior member. He forthwith becomes chairman of the committee. Then a certain number of his constituents write him that he ought to introduce a bill in favor of some radical measure like prohibition, the prevention of smoking, or the enforcing of a grape-juice law. Now, our Congressman from the faraway West, Mr. 'A,' would not dare to advocate such a measure at home, because he would be sure to meet defeat, yet, to win the votes of a certain small number in his own State who wish to force such legislation on us, he complies with their request—he tries it on the dog."

VIEWS OF REV. DR. SIMON.

"When the question of suffrage in the District has been brought up at various times there has always been those men who say 'let well enough alone,' but I do not believe in the theory of 'let well enough alone' when 'well enough' is 'bad enough,'" said Rev. Dr. Simon.

"We have passed through the period of adolescence; we are no longer children here in the District, and I believe there never will be a time when we will be more matured and more responsible than we are to-day.

"I want to vote on all questions affecting the welfare of the District, no matter what the issue may be. We should continually agitate the question of suffrage, so as to show the men on the hill that we are in earnest."

Dr. Simon also came out strongly against the practices of certain prohibitionists.

"Prohibition has required its supporters to work behind the law; they have done things under the cover of darkness that they would not dare do in the light."

There is a real justification and precedent for the prohibition referendum asked for by the citizens of the District, according to R. P. Andrews, who said:

"I have but to point to the activities of the Chamber of Commerce of the United States, which is, without a doubt, the most representative business organization in the world, numbering among its members many foreign trade bodies.

"This great organization uses the referendum to establish the desires of the business men of this country, and so, I take it, the Congress of the United States should grant a similar right to the citizens of the District of Columbia, who are, unfortunately, from time to time 'dubbed' 'wards' of the Nation. Similar, some have said, to the inmates of the Government insane asylum and the Indians of the Great Plains.

"Questions frequently arise affecting the welfare, peace, and comfort of the citizens of Washington, and certainly this Nation of ours, enjoying the wonderful rights of freedom and means of expressing their desires, should not be unwilling to let the citizens of the District of Columbia speak on matters affecting their general welfare."

RIGHTS GRANTED CITIZENS.

The address of Frank J. Hogan, which ended the program, was devoted largely to the rights given American citizens by the Constitution and the amendments which have been added to the Constitution.

"If it was right to amend the Constitution so as to guarantee liberty to the slaves of the country, why, then, is it not also right to amend it so as to extend the liberty now enjoyed by liberated slaves to the citizens of the District of Columbia? If it was right to make the slave a citizen, why, then, is it not right that the people of the District should be made real American citizens?"

Mr. Hogan came out strongly against those who have stated that in event a referendum vote on the prohibition question is taken in the District the votes of many people will be bought up by the liquor interests.

"The contention that the people of the District are purchasable I denounce as that of an infamous liar.

"Don't let us make this spasmodic movement," he said, in conclusion. "Let's press on and keep up the fight without intermission until we get suffrage in the District."

There was exhibited on the stage during the meeting a giant petition to Congress protesting against prohibition in the District without submitting the issue to the vote of the people. It was stated that the petition now bears more than 47,000 names.

ARE LISTED TO SERVE AS VICE PRESIDENTS—CITIZENS ASSOCIATED WITH MASS MEETING TO CONSIDER DISTRICT PROHIBITION REFERENDUM.

The vice presidents, including representatives of practically all lines of professional and commercial life of the city, for the citizens' mass meeting to be held at the National Theater at 3 o'clock this afternoon to discuss the proposition for a referendum vote to settle the question of prohibition in the District were announced last night. The list is as follows:

Joseph I. Weller, John Stuart Hunt, Julian A. Marceron, Albert Schulteis, James A. Cahill, C. R. McClure, Paris E. Brengle, Thomas W. Smith, John L. Edwards, James F. Oyster, Helge Murray, W. McK. Clayton, H. Clifford Bangs, Clarence R. Wilson, D. J. Kauffman, Francis A. Blundon, Jesse L. Heiskell, Thomas D. Walsh, Chapin Brown, P. T. Moran, Robert Lee O'Brien, Charles E. Munroe, George P. Killian, Martin J. McNamara, Francis R. Weller, Samuel J. Prescott, John Hadley Doyle, John R. Howell, J. Clinton Hiatt, J. G. McGrath, H. M. Glassie, Hyman N. Levy, E. H. Droop, Thomas Grant, John G. Capers, Cuno H. Rudolph, Edwin R. Brooks, William D. West, Louis Ottenberg, J. M. Bird, Robert Callahan, Isaac Gans, Dr. J. Rozier Biggs, Odell S. Smith, C. J. Gockeler, B. A. Bowles, E. C. Snyder, C. J. James, Louis P. Shoemaker, Willett E. Dentinger, Ralph W. Lee, R. N. Harper, Lewis J. Battle, Myron M. Parker,

B. F. Lindas, David Wiener, A. P. Clarke, jr., Joseph A. Berberich, Mgr. William T. Russell, M. A. Leese, Claude E. Miller, Charles S. Zurhorst, William F. Gude, Dr. Mark F. Finley, Claude N. Bennett, A. C. Hayden, Henry A. Vieth, Roscoe Jenkins, A. Lisner, George C. Havennner, Charles A. Goldsmith, Allan E. Walker, Otto C. Hauschild, Richard D. Daniels, Richard E. Pairo, W. O. Wetzell, Charles J. Columbus, J. E. Crowder, Dr. M. M. Dolmage, Mosby Williams, Alfred T. Gage, Charles W. Ray, W. R. Merriam, Capt. Guy T. Scott, George W. White, Frank J. Hogan, R. P. Andrews, and E. C. Brandenburg.

Mr. MAPES. This refers to a preliminary meeting of the citizens in the District, of the day before. Where was that held?

Mr. COLUMBUS. Over the telephone, mostly. A preliminary meeting the day before, you say?

Mr. MAPES. Yes.

Mr. COLUMBUS. There was no preliminary meeting the day before.

Mr. LOBECK. This happened a year ago, did it not?

Mr. MAPES. It says "An organization pledged to work for legislation providing a referendum vote of the people."

Mr. COLUMBUS. That meeting was held on Sunday, you see, and the story was printed on Monday.

Mr. MAPES. Who presided?

Mr. COLUMBUS. Mr. William F. Gude, the chairman of the Referendum Association.

Mr. MAPES. He is the gentleman who appeared before us here?

Mr. COLUMBUS. Yes; he was the first speaker.

Mr. MAPES. The florist?

Mr. COLUMBUS. Yes.

Mr. MAPES. Was there another meeting of this organization, a meeting preliminary to this Sunday afternoon meeting?

Mr. COLUMBUS. No; Mr. Gude and I got together on the proposition, and we conferred with the officers of the three trades bodies. You see, the criticism that has been directed against the District of Columbia from time to time is that we are not a unit on this matter; and right there I would like to—

Mr. MAPES. Were you the advance agent of this meeting?

Mr. COLUMBUS. I was one of them; yes, sir. We had a conference, as I said, and we talked it over from time to time with the presidents of the trade bodies.

Mr. MAPES. Did you have a preliminary meeting, a meeting preliminary to this general meeting?

Mr. COLUMBUS. No, sir; as I say, nothing more than over the telephone; or I would get hold of Mr. Gude, as I did last night—we had dinner together—or I would meet the president of the Retail Merchants' Association; and I called up Mr. Brandenburg, the president of the board of trade, and asked what he thought of the advisability of having a mass meeting to give an opportunity to all people outside of the organizations or in the organizations, to join in this movement.

Mr. MAPES. You were practically, then, the originator, the one who worked up this?

Mr. COLUMBUS. I was one of them; yes, sir. Mr. Gude and Mr. Harper and myself.

Mr. MAPES. What is your interest in this prohibition bill?

Mr. COLUMBUS. In what respect?

Mr. MAPES. Have you any special interest?

Mr. COLUMBUS. As a citizen; yes, sir. And because I feel that it is to the best interests of the people of the District of Columbia that they should have a vote on this.

Mr. MAPES. You come here, as I understand it, purely as an advocate of the referendum?

Mr. COLUMBUS. Absolutely.

Mr. MAPES. Without reference to the prohibition bill or any other?

Mr. COLUMBUS. I would come here as an advocate of the referendum on this prohibition bill. Not on the bill as it stands, however. I will get to that a little later. My interest, if I may digress a bit—

Mr. MAPES. You take a different position, then, from Mr. Clayton? You are here for the referendum on the prohibition bill?

Mr. COLUMBUS. And all other things; yes, sir.

Mr. MAPES. And all other things?

Mr. COLUMBUS. Yes. I believe that we should have a referendum on taxation. I believe that we should have a referendum on the telephone question.

Mr. MAPES. Are you an attorney?

Mr. COLUMBUS. No, sir; I am not.

Mr. MAPES. What is your business?

Mr. COLUMBUS. I am secretary of the Retail Merchants' Association. First of all I was a printer, and then I engaged in newspaper work, and during the time I engaged in newspaper work, about four years ago, I went with the Retail Merchants' Association as its secretary.

Mr. MAPES. Did that organization take any action on this bill before you became active and got this worked up as a meeting?

Mr. COLUMBUS. This organization? Oh, yes. It did.

Mr. MAPES. The Retail Merchants' Association?

Mr. COLUMBUS. Yes. As I say, all three of the trade bodies had acted on this matter, so that in order to get a concert of movement we thought it wise to form this referendum association; to have this mass meeting and form a referendum association. The great difficulty has been that Washington is over-organized. As Mr. Watrous said once, where there are a few gathered together there must be a president and there must be a secretary; so that has developed here in Washington. We have three trade organizations, and the town would be better off if we had but one; but other towns go the same way. So we thought in order to convince Congress of our sincerity in this matter, and of the sincerity of all of the people, or a majority of the people, in this matter of referendum, we would get these elements together.

Mr. MAPES. Has your association instructed you to go ahead and call a referendum meeting?

Mr. COLUMBUS. My association reelected me last—let me see, I have been so busy on this—one night last week for another year. They reelected the same set of officers and instructed our attorney to come down here.

Mr. MAPES. That does not answer my question.

Mr. COLUMBUS. What was the question?

(The question was repeated by the stenographer.)

Mr. COLUMBUS. The Retail Merchants' Association has not, but the District of Columbia Referendum Association.

Mr. MAPES. But the District of Columbia Referendum Association propose now to call it, as I understand it?

Mr. COLUMBUS. How do you mean? I do not get that.

Mr. MAPES. You said that you worked up the meeting

Mr. COLUMBUS. I said that the three trades bodies adopted referendum resolutions—acted on this matter of the prohibition bill—and that following that the leaders—I will not call them leaders, but men in these three trade bodies—thought it would be well to give the public an opportunity to express itself on this if it wanted to, and likewise to amalgamate in this matter, so that they called this mass meeting, and I wrote to the presidents of the three trade bodies and asked them to provide committees to come here.

Mr. MAPES. You did that on your individual responsibility?

Mr. COLUMBUS. No, sir.

Mr. MAPES. Not because that association had instructed you?

Mr. COLUMBUS. No, sir; because my association did instruct me to do so; and you will find that instruction in the resolution which brought this referendum association into being.

Mr. MAPES. Have you it there?

Mr. COLUMBUS. Yes. They are referring to the officers, and in the last paragraph of the resolution, I read this:

It is the further sense of this meeting that the officers thereof, William F. Gude, chairman; R. N. Harper, vice chairman; and Charles J. Columbus, secretary-treasurer, shall present this petition to the Congress of the United States, and shall proceed with the formation of an organization to be known as the District of Columbia Referendum Association, which association shall assume the responsibility of securing legislation to realize our desire for a referendum on all matters affecting the general welfare of the citizens of the District of Columbia.

Mr. MAPES. I understood that was the resolution of the referendum association?

Mr. COLUMBUS. Yes.

Mr. MAPES. Did your Retail Merchants' Association instruct you, of which you are the secretary?

Mr. COLUMBUS. Oh, you mean the Retail Merchants' Association?

Mr. MAPES. Yes.

Mr. COLUMBUS. Why, I might say yes.

Mr. MAPES. Have you any resolution that states that?

Mr. COLUMBUS. No. These letters went to our presidents, and I wrote to our president, and he wrote back to me, and he said:

DEAR CHARLIE: Put on—

I forget. Well, anyhow, it is immaterial, the exact wording. He told me to get Mr. Rosenberg and anybody else I saw fit.

Mr. MAPES. That was after you called his attention to it?

Mr. COLUMBUS. Why, yes. I wrote the same letter to the president of the Retail Merchants' Association that I wrote to Mr. Brandenburg, the president of the Board of Trade, and to Mr. Sinclair, the present president of the Chamber of Commerce.

Mr. MAPES. That action was taken by you before any action of the Retail Merchants' Association instructing you, as its secretary, to go ahead—

Mr. COLUMBUS. No.

Mr. MAPES (continuing). And try to work up a referendum association?

Mr. COLUMBUS. No. I do not recall. They all met around the same time. We had a special meeting of the Retail Merchants' Association at the Willard Hotel, and you will find in that resolution which I presented before Mr. Rosenberg spoke, the board of trade spoke, and the chamber of commerce. That antedated the referendum association.

Mr. FOCHT. I will ask you whether this expression in regard to referendum was anything unusual or was something that seemed to be put up to you on account of this apparent crystallization in the formation of the various organizations, and that it was a rig up to meet this particular situation regarding the booze?

Mr. COLUMBUS. No rig up at all.

Mr. FOCHT. What is the truth about that; have you long had this sort of an organization and has this sentiment been expressed here?

Mr. COLUMBUS. This sentiment has been expressed for a long time.

Mr. FOCHT. Regardless of booze?

Mr. COLUMBUS. Yes; regardless of booze. I have had members resign from the Retail Merchants' Association because we did not take up the matter of suffrage. Naturally, when you receive a resignation, you go to find out where your weakness is, and two men have told me that they did not care to continue with the association; that they felt that the only thing that would do the town any good was suffrage.

About two years ago I called on one of the prominent bankers of the town with a view of organizing the bankers to join the Retail Merchants' Association, to take up this matter of bad checks, check kiting—and, by the way, there is a bill before this committee, that has not had a breath of air for two years, on bad checks. Now, gentlemen, this banker asked me this question: He said, "Do all the merchants cooperate in the Retail Merchants' Association?" I said, "No, sir; they do not." He said, "Neither do all the bankers cooperate in any movement that we have." He said, "Did you ever figure out a remedy for that?" I said, "No; I have been working in my own little way to better it." He said, "Well, I personally am not in favor of it; but," he said, "I think that suffrage would be the panacea for all the ills we have." He said, "In the States where they have a vote people are in the habit of getting together, but here, where they have not a vote, they do not get together as much as they might, and it goes right on down the line in occupational groups."

We had another mass meeting at Poli's Theater on the 7th of January, which was addressed by some very worthy people, and the following resolution was adopted:

To the Congress of the United States:

Whereas legislation has been brought forward and will continue affecting the welfare of the citizens of the District of Columbia; and

Whereas legislation is now pending in the Congress of the United States affecting the question of prohibition for the District of Columbia and a referendum thereunder: Therefore be it

Resolved, That we, citizens of the District of Columbia, assembled in mass meeting at Poli's Theater, Washington, D. C., this 7th day of January, 1917, do hereby appeal to the Congress of the United States to adopt the referendum amendment proposed by Senator Oscar W. Underwood, of Alabama, in order that the citizenship of this community be given an opportunity to express its desires through a referendum vote legally and formally arranged for by the Congress of the United States. It is further submitted that to deny this right to the citizenship of the District of Columbia is un-American in principle and subversive of the tenets laid down in the foundation of this Republic. We sub-

mit to Congress that our Americanism should not be subverted and that it is unworthy to us as American citizens to deny us the right to speak in this and other matters of paramount interest to the community.

The above was adopted as set forth.

WM. F. GUDE, *President*,
CHAS. J. COLUMBUS, *Secretary*,
District of Columbia Referendum Association.

We have four daily newspapers in Washington, and I count it a significant fact that all four of them have come out in favor of a referendum on this question that is before you. I have not the dates on these, but I can get them if it is thought necessary. They are reproductions from the papers themselves.

Mr. FOCHT. Certainly, Mr. Columbus, in a question that was being debated as this has been here for these long weeks, as a rule there would be enough enterprise about a newspaper to express itself one way or another. They seem to be of a sort of a neuter gender on this proposition. I fail to find anything for or against the booze question. They are neither for nor against; and if you have anything for or against I would like to have it, because I have been watching carefully.

Mr. COLUMBUS. All right, sir. Here is an editorial in the *Star*, headed, "The District Referendum Issue." This editorial is as follows:

THE DISTRICT REFERENDUM ISSUE.

The fight over the District referendum issue should be so conducted that whatever the result Washington will not suffer injury.

If the referendum is denied in order that the saloons may be eliminated more speedily from the District, this denial should carry with it no imputation of lack of power in Congress to grant such a referendum and no slur upon the fitness of this community to express at the polls concerning any vital local issue an honest and sound opinion that is worthy to be heeded as advice by Congress. If for special reasons Congress shall decide that a referendum on this particular issue is inopportune at this particular time its denial of the referendum should be based unmistakably upon this decision alone. The power of Congress in the premises should be avowed, the right of the District in equity to be thus consulted as to its legislative affairs should be recognized and conceded, and the local community should not be slandered as corruptible, degraded, and unfit to exercise this right. In short, if this referendum is not granted, it should not be denied permanently on its merits but merely, for special reasons, be postponed.

If on the other hand Congress should decide that not only in the abstract is the District equitably entitled to be consulted concerning important local legislation through an advisory referendum, but also that it is worthy to exercise and should exercise this right at once and on the antisaloon issue, that decision should be so formulated that it will mean a victory for the referendum principle in Washington, merely postponing the elimination of the saloons, and not a victory solely for the saloons, in substance defeating the effort to abolish them. To this end, if a referendum is granted, Congress should through this medium secure the honest opinion and advice of all bona fide residents of the District, including women as well as men, and including all Government employees irrespective of their retention of legal residence in the States. All the safeguards that Congress can supply to assure that the vote shall be intelligently and honestly cast will be welcomed. The abolition of the saloon should not be proposed in terms calculated to create unnecessary antagonisms and to invite its defeat. The issue should be stated in the clearest, simplest form, so as to assure a maximum of consideration as a moral issue in the homes and in the churches and so as to involve a minimum of destruction of Washington's industries, confining that destruction strictly to the factories making alcoholic beverages whose existence is inconsistent with prohibition.

A referendum vote on the antisaloon issue would stir profoundly every home, however humble, in the District. It would arouse the interest of business Washington. It would develop the full and, the *Star* is convinced, the honest vote of one of the most intelligent communities in the United States. Wash-

ingtonians would be on trial as to their fitness, not merely to be consulted as to local affairs by Congress through the referendum, but to be represented in that Congress and in the Electoral College like other Americans.

If a referendum is granted and Washington meets this test, the way will be cleared for the 360,000 Americans of the District, a population exceeding that of six of the States, to be in important respects Americanized, and to be transferred by constitutional amendment from the status of political aliens to that of citizens of a State for the purpose at least of representation in Congress and the Electoral College.

If, on the other hand, the District is denied the referendum on the insulting ground that its voting constituency is venal and unworthy; or if the referendum is granted and Washington fails to meet the test, the Americanization of Washington will be indefinitely postponed, to the Capital community's lasting injury and shame.

Mr. MAPES. That is not a very strong editorial for the liquor bill, is it?

Mr. COLUMBUS. If you read the last part of it, it is; the last half of the editorial.

Mr. CROSSER. May I ask Mr. Columbus how much more time he wants?

Mr. COLUMBUS. I will take considerable. If you desire, I will put these things in the record.

Mr. CROSSER. That is entirely in the hands of the committee.

Mr. COLUMBUS. We have other speakers here, but I can take the time.

Mr. CROSSER. What other papers have you there that are in favor of the referendum?

Mr. COLUMBUS. Here is an editorial from the Post headed "Leave it to the People."

Mr. LOBECK. What is the date of that?

Mr. COLUMBUS. Unfortunately I did not put the date on this.

Mr. LOBECK. What other papers have you?

Mr. COLUMBUS. Here is an editorial from the Washington Times, and here is one from the Washington Herald. I have one from each of the four papers.

Mr. MAPES. Are those others any stronger than the ones you have just read?

Mr. COLUMBUS. Yes. Here is the editorial from the Post. I will read this:

LEAVE IT TO THE PEOPLE.

The Senate is expected to vote to-morrow on the question whether the issue of prohibition in the District of Columbia shall be submitted to the people.

This is such a purely local question and touches the habits of the people so closely that it can very properly be submitted to them. Congress can ascertain from the people themselves what is best to be done.

Unless the question is submitted it will be impossible to determine whether a majority of the people favor or are opposed to prohibition.

No one questions the power of Congress to enact a prohibition law without consulting the people. But it is equally clear that Congress has the power to refer the question to the people if it chooses to do so.

Congress has power to dispose of and make rules respecting the territory of the United States. It has submitted the question of statehood to populations much smaller than the population of the District of Columbia. Few, if any, States have been admitted with a larger population than is now contained in this District. Yet the people in each case were permitted to pass upon the question and to draw up their constitutions.

Some Members of Congress may be reluctant to refer any question to popular vote in this District for fear that a precedent may be established and the way paved for suffrage. But this is wholly in the hands of Congress, and the pro-

hibition referendum will not serve as a precedent calling for future referendums unless Congress so determines. If the vote on prohibition should be disappointing to Congress for any reason whatever, it could be held up as a warning against granting suffrage. The argument as to establishing a precedent cuts both ways.

The instinctive impulse of Americans is to submit such questions as this to the people and to abide by the decision of the majority. There is no other way of satisfying the people. All of them are perfectly willing to accept the verdict rendered by most of them. They are habituated to this method of settling public affairs.

The Senate and House will not go wrong if they refer to the people the question of prohibition in this District. No one knows what the decision would be, and it does not matter; it would be a righteous decision, binding upon the people who made it. A decision by Congress might be right or wrong, but a decision by the people could not be wrong.

Mr. FOCHT. I do not think that the arguments offered here against the referendum will prevail very seriously in the last analysis, because, as I have said before this committee, that is the extreme of democracy, the last thing that anybody could ask for in determining the rights of the home and liberty, in determining the question. But that does not seem to me to be the whole question here. That is collateral. What we are considering is the Sheppard bill—as to whether this town should be wet or dry; whether the present license laws should continue; and we have had some people here with reference to both sides of the question. They had some minister from Virginia. But we do not consider the minister from Virginia. What I want to hear from is the ministers from this town, who live right here, and express the popular sentiment. Now, I want to ask you this question, which will have something to do with my vote on this question: As to these various organizations here, how do they stand on the continuing or abandoning of the present method of granting licenses in this town; that is, ministers of the gospel and business men whom you speak of and bring into this discussion; how do they stand?

Mr. COLUMBUS. It appears to me that they are satisfied.

Mr. FOCHT. There ought to be, in my opinion, an expression from citizens and associations of standing in this town as to the retention of this system of granting licenses. Are you in favor of that?

Mr. COLUMBUS. Yes.

Mr. FOCHT. I want to know how you stand.

Mr. COLUMBUS. Yes; I am. I believe that this bill should not go, even to a referendum, in its present form. It is not a prohibition measure. The purpose of this is, I take it, to prevent people from drinking, and this is not going to prevent that. It only makes it necessary, gentlemen, for that part of the Washington public that wants to drink to go to Baltimore to get it. You can not send a postal card. As one gentleman said to me, "What are you bothering about when you can send a postal card." I believe Mr. Vinson, it was, said you can send to Baltimore and get it, but you can not do that. You have to go and get it. We have three lines of communication, three railroads, between here and Baltimore. We have a wonderful highway between here and Baltimore, and we have 16,000 automobiles in the city, according to Maj. Pullman. Now, it is going to take money out of this town; it is going to hurt this town very seriously, and certainly the people of this town ought to say yes or no on it before it is put through.

Mr. MAPES. How would you amend the bill so as to make it a prohibition measure?

Mr. COLUMBUS. I desire to leave this matter entirely to the people. As to the amendment I would put in there, I can not give you the language because I am not a lawyer; but I would put all this up to the people, you understand. I would put it in sections. I would have such a section, perhaps, as you have in there, throwing the saloons out of business. I would have a section in there throwing the saloons out of business with compensation. I would have a section in there that would make it just as criminal an offense to drink it as to sell it.

Mr. MAPES. Would you have a section in there that would try to make Baltimore dry, so that people could not go from here to Baltimore and get it?

Mr. COLUMBUS. No. We should not try to inflict anything on Baltimore that Baltimore does not want.

Mr. MAPES. I did not understand your argument about Baltimore.

Mr. COLUMBUS. I say this, that our people could go to Baltimore and get it.

Mr. MAPES. Is there any way we can prevent that?

Mr. COLUMBUS. Yes; by preventing the use of it in the District of Columbia.

Mr. LOBECK. We can prevent the importation. It is in this bill.

Mr. COLUMBUS. There is another thing; you can prevent the importation.

This Reed amendment that was adopted does not affect the District of Columbia. I was told last night by a newspaper man——

Mr. FOCHT. This bill prevents the common, ordinary man from walking along the street and getting a glass of beer, and lets the rich man and the club man have his cellar full and to wine and dine anybody.

Mr. COLUMBUS. Yes.

Mr. FOCHT. And what we want is the real bone-dry prohibition they voted for yesterday?

Mr. COLUMBUS. Absolutely.

Mr. FOCHT. If that is the case, we will vote for it.

Mr. COLUMBUS. Let us be honest about this thing. If there is a considerable number of the inhabitants of the District of Columbia that really believe in prohibition, that it is wrong to drink, then let us come out flat-footedly and say so, and write it in the bill; but do not let us put this thing through that will simply throw an industry out of business and make it necessary for people to go some place else to buy it. They will get it if they want it. They are buying it right along, and you gentlemen know that just as well as anybody else. And, furthermore, if they go to Baltimore to buy it, they are going to buy something else in Baltimore, and it is going to hurt this town. But beyond all that there is a great principle involved. You know how much more the individual appreciates an organization at election time, when there is somebody to vote for. You can always get a crowd at an organization meeting for an election. And so with people here. We want a hand in our affairs.

Mr. CARY. You say they are always buying something. Do you mean the prohibitionists?

Mr. COLUMBUS. Oh, yes; I believe they do so, too.

Mr. CARY. I know the bartender at Congress Hall told me two years ago that he had to cut down the size of the whisky glasses three times on account of prohibition customers.

Mr. COLUMBUS. The people in favor of a referendum have been eminently fair on this prohibition question. They have persistently and insistently declared that all those people over 21 years of age should be permitted to vote—men and women.

Gentlemen, when Dr. Cannon appeared here he asked for the passage of this bill as it now stands. That evening I was advised by a friend that when the enabling act, which was nothing more than a referendum, was passed by the Virginia Legislature Dr. Cannon, who had worked very hard for that, jumped up in the air and clicked his heels, and wrote a long piece about it. I wrote to a friend in Virginia and tried to get that, and here is what he sends me:

RICHMOND, VA., *February 19, 1917.*

On February 14, 1914, the morning following the passage of the enabling act in the General Assembly of Virginia, Dr. James Cannon, jr., of the Virginia Anti-Saloon League, in the Richmond Virginian, published a long card, which said in part:

"The proposition to give to the people of Virginia an opportunity to vote upon the question of the manufacture and sale of intoxicating liquors was introduced for the first time in the General Assembly of Virginia in 1910. The bill received scant consideration at the hands of the senate. In 1912 the bill was again introduced in the general assembly, this time first in the house, where it was passed by a vote of 66 to 34, counting pairs."

The writer then referred to the several amendments and exceptions to the original bill, and said:

"First and foremost, while the Anti-Saloon League does not desire any of these exceptions, yet it frankly admits that it prefers to secure the opportunity for the people to vote upon the question of the manufacture and sale of intoxicating liquors, even with these exceptions, rather than to lose that opportunity altogether."

If Dr. Cannon worked so hard and so zealously to get a referendum for Virginia, why did he not do the same thing here? Gentlemen, I do not think that there is any question in your mind, and I hope not in the minds of the Members of the House generally, but what a referendum on this question and other questions should be given. You must realize that the Senate not so very long ago, and the House, gave Alaska a referendum; and just the other day the Senate handed a referendum to Porto Rico; and in the Territories I understand that they have done precisely the same thing. So we would ask your consideration of this.

Your responsibility as Representatives in Congress is great. Through the exercise of the great democratic principles of our Government you are the mouthpiece in Congress of the people in your district. As a consequence you are naturally expected to reflect the ideals of your people, and having every confidence in the integrity of the citizenship of this great country of ours I feel sure that the people in the district of each and every one of you will heartily commend any action of yours that reflects the practices of your district.

So we, therefore, appeal to you to do unto the people of the District of Columbia as your people have been done by. If the people in your district have had an opportunity to vote on this question of prohibition, directly or indirectly—and by that I mean, gentlemen, where the legislatures vote for it; they have already put the legisla-

tures in power—your sense of justice should dictate that the people of the National Capital be given the same opportunity. There can be no just or even rational criticism of such a course, and it would be an intemperate person or set of persons who would afterwards criticize you. We ask you individually to give us the same rights and the same privileges that you have extended to the people in your district. To do else would be subversive of our great principle of American Government, and certainly we are not going to get away from that.

I have here the following letter:

FEBRUARY 15, 1917.

Mr. CHARLES J. COLUMBUS,
Secretary District of Columbia Referendum Association.

DEAR SIR: I have examined H. R. 19360, commonly known as the District of Columbia prohibition bill.

I understand that it is not contended by the advocates of the bill that it does not prevent the purchase and importation of alcoholic liquors into the District of Columbia for use by residents of such District, but is aimed at the prevention of the manufacture and sale of liquors within the District; that the right to personally obtain and use liquor if obtained from without the District is not affected.

If anybody contends that this bill permits the importation of liquors into the District of Columbia for personal and private use, he has not read or studied the bill. Under its provisions it is utterly impossible and impractical for an individual to obtain liquor for his personal use without subjecting himself to prosecution.

Mr. MAPES. You are reading that with approval?

Mr. COLUMBUS. It was sent to me as secretary.

Mr. MAPES. I say you are reading it with approval?

Mr. COLUMBUS. No, sir; it was sent to me as secretary of the association.

Mr. MAPES. Do you approve of the sentiment?

Mr. COLUMBUS. I do not know anything about it. I believe the gentleman is here. Later on, if he wants to present it, he may do so.

Mr. MAPES. But you say it is true that there is a bone-dry bill.

Mr. COLUMBUS. I am presenting this through a sense of responsibility.

Mr. LOBECK. Is he in favor of a referendum or not in that letter.

Mr. MAPES. He says there it is true that they can not import it into the District; it is a bone-dry bill here.

Mr. LOBECK. You do not believe that they can not bring in liquor under this bill?

Mr. COLUMBUS. I will ask this gentleman, then, to present this himself. He came to me—

Mr. FOCHT. Mr. Barkley, who was here, says it does not prevent the individual from having all he wants.

Mr. COLUMBUS. It does not?

Mr. FOCHT. Mr. Barkley himself says so. I was asking him, and whether he approved this law.

Mr. COLUMBUS. I am not approving that at all.

Mr. FOCHT. You did not tell us who wrote that letter.

Mr. COLUMBUS. No; he is in the room, and I will give it to him in a few minutes.

Mr. Julius Peyser is here, and we would like now to have him heard.

STATEMENT OF MR. JULIUS I. PEYSER.

Mr. CROSSER. State your name and address and occupation to the stenographer.

Mr. PEYSER. My name is Julius I. Peyser; 1833 Nineteenth Street; I am a member of the bar and president of one of the banks in the District of Columbia. I am appearing here at the request of the referendum committee, and as an individual.

Mr. CROSSER. Of what bank are you president?

Mr. PEYSER. The Security Savings & Commercial Bank, at Ninth and G Streets; at the corner there.

Mr. CROSSER. You appear as a member of the referendum committee?

Mr. PEYSER. No, sir; I am not connected with them at all. It is at their request that I appear.

Mr. Chairman and members of the committee, I am not interested at all in the proposition of prohibition, except as a good citizen. I have lived in Washington all my life. I was born here. I am thoroughly familiar with the local conditions. I know the local conditions, and in April, 1911, the Hon. Henry George sent out a request asking the citizens of the District of Columbia to express their respective views on the improvements in the form of government existing in the District of Columbia. I have undertaken to be a student of local conditions. I read Mr. George's request very carefully and I made a reply, which I have with me, and which was printed in the Washington Herald. I suggested a referendum as one of the important improvements for the citizens of the District of Columbia. I do believe, gentlemen, that every citizen of the United States—and when I say that I mean the citizens of the District of Columbia included—should have a right or a chance to express their views, advisory or not, on every important matter of legislation that comes from the Capitol. I believed in suffrage long before these men who now constitute the committee of 100 had demanded it. I believe we should have a chance at suffrage.

My father was one of the men who signed a petition or memorial that went to Congress in 1872, asking for the change in the form of government. The reason the petition was filed was because two of the members of the board of public works happened to be non-residents, and the third one was an Army officer who was brought on from New York, and who had a salary of \$10,000, which was more money than the city could afford to pay at that time, and a lot of mismanagement went on. A change was made in 1874 and in 1878, and we have operated under the same law from 1878 to the present time. I do believe now that we need a change in this government, in the form of the District government. I believe that a change is necessary. I believe that we who love the city, not so much as a city to look at, but as a city to live in, ought to have a chance to say what we want on the question of prohibition, on the question of taxation, and important matters, of which at the present time we are actually deprived. If we study history carefully we will find that the citizens always played an important part in the cities of the world. They used to speak of kings of certain peoples, but they never spoke of an empire until the time of Rome, because the city of Rome meant an empire and a civilization. They wanted

civil and economic freedom. They did not want those two things unless they got political freedom. They wanted the three, to wit: Civil, economic, and political freedom. To-day in the District of Columbia we have the civic and economic, but we have not, gentlemen, as you well know, political freedom. I believe if the question came to me and I was asked to vote upon prohibition, I am inclined to think, gentlemen, that I would vote for prohibition; but I am only one of the 400,000 inhabitants of the District of Columbia. I believe every man over the age of 21 and every woman over the age of 21 ought to be given the opportunity to vote and say what they want done as to prohibition, and what they want on taxation.

Mr. George at that time when he offered his suggestion as to the change of the mode of Government, suggested the city of Des Moines as an illustration of what the people can do to free themselves of corruption and things of that sort. I do not believe we have any corruption in the city of Washington. I believe our city is clean in all respect. But we want something else. We want the shackles of political slavery loosened and a chance given us to express ourselves when the time comes. It is very pleasant for us to come here before these committees and ask you gentlemen to give us a chance here or there, to give us an alley in the southeast or a new sidewalk in the southwest, and allow us to have dog licenses, and to purify the waters of the Potomac; but we are tired of it. I do not think the citizens of the United States, representing altogether most of the people, agree with the speaker day before yesterday when he said, "If you do not give us what we want, we will have a revolution." Ah, no, gentlemen, I am too much of an American citizen, and I respect the Stars and Stripes too much and the city I live in too much. We want, and we expect you will give us, the best you possibly can.

Perhaps the question of referendum, has never been properly placed before you gentlemen. We want to work and cooperate with you. It is a question of cooperation. I do not want any favors from any Member of Congress, or from Congress. I do not want special favors given to me. In my residence in the northwest—

Mr. MAPES. The members of the committee are not very sensitive.

Mr. PEYSER. I know, I am glad they are not. But notwithstanding that fact, since they are not it is a waste of energy, it is a waste of your time and our time, and is foolish and silly. We are men, and we represent the best interest of the people. Let me give you an illustration about this referendum. We have 11,000 depositors at our bank. The workingmen deposit with us, and their deposits run from \$25 up to \$500. I put the referendum sheet which was published by the referendum committee, and I spoke to many of the men who came to the bank, and I said, "What do you think about this referendum on prohibition?" Many of them said, "We are in favor of prohibition, but we would like to have the chance to express our views and thoughts on the subject, or advise Congress." There is a proposition known as the advisory referendum. Personally, I am in favor of it. I do not think the people should force Congress in the Nation's Capital to do these things, but there is no harm to advise Congress in the District on matters of legislation. And I want to say further. I heard Mr. Gould, or one of the other mem-

bers of the committee, ask the other day, when this idea of the referendum come up and if it was not by reason of the prohibition question; but I want to tell you gentlemen that in 1911 I wrote of it, and in 1913 I was a member of a committee and we talked and lectured and worked on the proposition, and we have been working on the proposition ever since.

I will make another statement. As a lawyer I do not represent any liquor interests. On the contrary, our firm has refused to take any case in the past three years from any person involved in the excise board, or applications for licenses. We did, at one time, represent some liquor interest. I am going to be frank with the committee. A few people we appeared for; not many; three or four. But we have eliminated liquor interests of every kind from our office. Of course I do not say that in our bank we may not have a few depositors in the liquor business, but I do not believe we have three who conduct saloons or who are interested in the liquor business. Therefore, as far as the prohibition proposition is concerned, I am absolutely free of the liquor interest. I appear only as a citizen of the District of Columbia. I love the city and want to see the city grow. I want to see the northeast, the southeast, the southwest, and the northwest, all parts, grow.

We ask you to give us the right to vote upon this proposition and any other proposition of importance. It is no more than fair, it is no more than right, and if you gentlemen would read an article written by Justice Wendell Phillips Stafford of the Supreme Court of the District of Columbia on the rights of the citizens of the District of Columbia, you will really feel that we are really persecuted. You gentlemen do not willfully or maliciously persecute us, but the result is the same. We want to have a chance to vote. We want to be real American citizens. We do not want to be only residents of the District of Columbia, but we want to be citizens of the United States in a true adaptation of the word. We want to vote and to help to make this city better; and if you give us a chance, I do not believe that you who are in favor of prohibition would lose anything. I think you will have the expression of the people. Also, give us a chance on other matters. I am chairman of a committee known as the protective committee of the District Bankers' Association. We have been undertaking to get through Congress for a very long time a bill known as the bad-check bill. We can not get anywhere, gentlemen. We have men who kite from bank to bank. The bankers are losing money constantly, and we have been agitating the question and can not get any help from Congress. You are so busy with national and international affairs that it is a pretty hard job for you to come down and handle the little affairs of the community of Washington. And it is not only true about Congressmen, but it is true about the President of the United States.

I remember reading a message of one of the Presidents where a statement like this was made: "We recommend that the commissioners be given authority to do so and so," alluding to the District Commissioners; and then the President goes on to say, "and we also recommend that on the question of civil service they may be left with full authority." The President of the United States had mixed up the Commissioners of the District of Columbia with the commissioners of the Civil Service Commission. And in the Su-

preme court of the United States, in a case known as the Heyburn case, a citizen of the District of Columbia wanted to go into Virginia and institute a suit in the Federal court, and the decision of that court said: "A citizen of the District of Columbia is not a citizen of a State within the meaning of the Constitution of the United States, so that you have no right to come into a Federal court in Virginia to bring suit." And in a case about 40 years late, in a case known as the Riggs case, an alien wanted to inherit land in the District of Columbia, and then the Supreme Court of the United States in its wisdom said: "In conjunction with the treaty of Paris and the Constitution of the United States, a citizen of the District of Columbia is a citizen of a State." In other words, a poor citizen who wanted to sue a debtor over in Alexandria, Va., could not sue in the Federal court, but some alien who wanted to inherit land in our country could come here and become a citizen of a State because the treaty of Paris and the Constitution of the United States, as construed by the court, said so.

In other words, we have no status. We do not know what we are. We do not know whether we are aliens or citizens or residents or what not. That is the condition we are facing. We want you gentlemen to help us. I do not represent any business organization. I am affiliated with some. I am not affiliated with the board of trade, or the citizen associations, or the liquor associations, but I am affiliated with other associations, and we want you to give us a chance to pass on some of these propositions that come up in Congress from time to time.

Mr. FOCHT. I understood you to say that you were the president of a bank.

Mr. PEYSER. Yes, sir.

Mr. FOCHT. And you come in contact with a great many people.

Mr. PEYSER. Yes.

Mr. FOCHT. And I understood you to say that if you had the opportunity, you would vote dry on this question.

Mr. PEYSER. I would be inclined to do so; yes, sir.

Mr. FOCHT. You would be inclined, and on the question of the people of the District having anything to say, you would also vote for that?

Mr. PEYSER. Yes.

Mr. FOCHT. What I am trying to get at is an expression from the people of Washington on the Sheppard bill rather than on other things, because I accept that as a foregone conclusion, that they ought to have the right to vote on all these matters, and ought to have self-government.

Mr. PEYSER. I am glad to hear you say that.

Mr. FOCHT. Yes; but I want to hear about this specific, definite thing, because I have got to decide this particular, definite thing that we have to vote on.

Mr. PEYSER. I will be frank to say that when I received the invitation to come here from the citizens' referendum committee, I did not appear prepared to speak on the liquor question, nor would I like to express the views of the many people with whom I have come in contact, except, in passing, I would say that the majority of people I have met did not want the prohibition bill to pass for the District of Columbia.

Mr. FOCHT. They did not?

Mr. PEYSER. No, sir; they are citizens and workingmen. They did not want it for the very reasons stated by you. I do not know whether you are the chairman or not.

Mr. FOCHT. No; I am just doing a little talking and inquiring.

Mr. PEYSER. They believe that the bill is a bill to give the men in the higher walks of society a chance to drink, and to deprive the man who makes from \$1.75 to \$3 a day of his glass of beer that he would like to have. Some of our customers at the bank may indulge in liquor once in a while. But, nevertheless, I will not defend those people at all. But, as a general proposition, let the people pass on the whole question. You are so busy with public affairs that you can not give the District of Columbia proper consideration. As much as you would like to, you do not get the opportunity to carefully consider the many aspects. I do not believe that 25 men that would appear in behalf of the referendum from the brewers' different associations, or any other association whatsoever, could convince you of any proposition. The referendum proposition is simple. We ought to be able to express thoughts and views on matters that play a very important part in the life of our city.

Mr. GOULD. I move the committee adjourn until 10 a. m. to-morrow.

Mr. CROSSER. The gentleman from New York moves that we adjourn until 10 o'clock to-morrow.

Mr. OYSTER. Before you adjourn, I would like to say that those opposed to the referendum have not been heard at all.

Mr. GOULD. They are to be heard to-morrow, according to the resolution.

Mr. OYSTER. That is what I want to bring up. I expressed a desire, when I was here before, to be heard after the other side would be heard, and I will be ready to be heard to-morrow morning, if that is agreeable to the committee.

Mr. GOULD. That was provided in the Oakey resolution.

Mr. FOCHT. Are you opposed to the referendum only as it applies to the booze question, or generally speaking?

Mr. OYSTER. Mr. Chairman, now to go into that would take a considerable time.

Mr. FOCHT. No; I do not think so. You have been talking more about the referendum—

Mr. OYSTER. I am in favor of the referendum generally. I am in favor of self-government for the District of Columbia in the broad sense, but I am opposed to singling out any one particular thing or having a referendum vote which does not mean anything, which is not a referendum as the referendum is in the different States.

Mr. CROSSER. I suppose we had better have the gentleman come before the committee to-morrow morning. The question is on Mr. Gould's motion to adjourn.

(The question was taken and the motion was agreed to, and at 12.10 o'clock p. m. the committee adjourned until to-morrow, Friday, February 23, 1917, at 10 o'clock a. m.)

X

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA

HEARINGS

BEFORE

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

SIXTY-FOURTH CONGRESS

SECOND SESSION

ON

S. 1082

TO PREVENT THE MANUFACTURE AND SALE OF ALCOHOLIC
LIQUORS IN THE DISTRICT OF COLUMBIA,
AND FOR OTHER PURPOSES

FEBRUARY 23, 1917

PART 11



WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

PROHIBITING THE MANUFACTURE AND SALE OF ALCOHOLIC LIQUORS IN THE DISTRICT OF COLUMBIA.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Friday, February 23, 1917.

The committee met at 10 o'clock a. m., Hon. Ben Johnson (chairman) presiding.

Mr. JOHNSON. What was the arrangement for this morning?

Mr. HILLIARD. Mr. Oyster was anxious to go on this morning.

Mr. JOHNSON. Is it the pleasure of the committee to hear Mr. Oyster, who desires to be heard?

Mr. MAPES. Before we start in, can we have some understanding about what we are to do after we close?

Mr. CARY. Suppose we let Mr. Oyster be heard, and then go into executive session.

Mr. LOBECK. There are some others here who want to be heard.

Mr. CARY. Oh, there are a good many who want to be heard.

Mr. JOHNSON. Suppose we fix an hour to-day for an executive session.

Mr. DOOLING. It will take this gentleman over an hour to finish.

Mr. JOHNSON. We might have an executive session at 2 o'clock.

Mr. DOOLING. All right.

Mr. MAPES. I move that when we adjourn we adjourn to meet tomorrow morning at 10 o'clock.

Mr. DOOLING. I move that we meet in executive session at 2 o'clock this afternoon.

Mr. JOHNSON. It is moved that when the committee is adjourned to-day, they meet at 2 o'clock to-day for an executive session. Without objection, the motion will be adopted. The chair hears none.

Now, if it is the pleasure of the committee to hear Mr. Oyster he may come forward.

Mr. HILLIARD. Let us ascertain how much time he wants.

The CHAIRMAN. How much time do you want, Mr. Oyster?

Mr. OYSTER. That depends on how much time the committee has.

Mr. LOBECK. We have other people here who want to be heard.

Mr. HILLIARD. I move that he be granted 10 minutes.

Mr. BURKE. I move that he be allowed 20 minutes.

Mr. JOHNSON. Mr. Warner is here from California, who has done a great deal of prohibition-lecturing work, I believe, and he wants to be heard for a time. How long are we to hear Mr. Oyster, now?

Mr. LOBECK. I move that he be given 10 minutes.

Mr. BURKE. I move that he be given 20 minutes.

Mr. JOHNSON. There are two motions as to the time, one 10 minutes and the other 20 minutes. The longest time always has preference.

Mr. HILLIARD. I move to make it 15 minutes.

Mr. BURKE. I agree to that.

Mr. JOHNSON. It is agreed by the committee that Mr. Oyster be heard for 15 minutes.

Mr. FOCHT. Before you begin I would like to know when the colored bishop back there wants to speak. When do you want to talk?

Mr. LAMKIN. I am not the one that you refer to.

Mr. FOCHT. I was wondering where you had gone, too, with your representation.

Mr. JOHNSON. Proceed, Mr. Oyster.

ADDITIONAL STATEMENT OF MR. EDWARD W. OYSTER.

Mr. OYSTER. There is an old saying that I have heard frequently, that fools rush in where angels fear to tread, and in view of the fact that you have had so many distinguished people here to talk for the referendum I suppose I would come in that category; that the members of the committee might think that I am the fool rushing in. But Mr. Chairman, I want to say that for years I have been in favor of self-government for the District of Columbia so far as we can have it under the constitutional limitations. The labor organizations have indorsed plans that I have proposed, and I have the plans here in this book. Here was one in 1909 that was adopted by 14 of the citizens' associations in convention assembled, and they met for three or four nights and adopted this proposed plan, which, briefly, is as follows: That the people should elect five commissioners or councilmen; that the President should appoint five to represent the people of the United States, as they pay one-half of the taxes for the support of the District government; and that the people should elect a mayor or a governor, or that the President should appoint such an official, and that that should be the legislative body of the District in purely domestic and local affairs, and, of course, would act under a charter granted by Congress to them.

That would give the people of the United States their say in the management of the capital and would give the people of the District their say.

In view of the fact that we hear so much about taxation without representation I would say that it would be just as much taxation without representation to deny the people of the United States any right to take part in the District government. I believe, Mr. Chairman, that Congress has the power to delegate authority and would have the power to refer this matter to the people for a referendum vote, but the question is whether it is good policy to do that—to pick out one particular question, and that a question on which the people are so strongly divided as the question of prohibition.

Mr. BURKE. Why would not that be the best subject for referendum, where they are strongly divided, taking a great interest on both sides, instead of some question where they may be indifferent as to its merits and as to the results?

Mr. OYSTER. Mr. Chairman, this could not be made a fair test in the District of Columbia for several reasons, and it was not intended to have been made a fair test in the Underwood amendment. It eliminated half of the citizens and those who suffered most from the liquor traffic. That was the intention of the liquor interests, to have this referendum and cut out the women vote entirely. They knew that there were probably 40,000 people here, or 50,000, if you permit women to vote, that would not vote on this question in Washington, and they are among the very best class of people—the Government employees. Take my own case. I am from Pennsylvania. I am for prohibition. I have lived here 50 years. My interests are here, but I have thought enough of my franchise to retain it in the State of Pennsylvania, where I have several times had the pleasure of voting for my distinguished friend, Mr. Focht, for State senator; so that I say I have retained my residence there, and Congress can not guarantee me a vote in Pennsylvania if I exercise the right of franchise in the District of Columbia. I can have only one voting place. Some people have more than one, but we know how they get that. That is the problem that might happen here if we had this particular referendum. And there it cuts out 50,000 people, probably, who in any other city—in Cincinnati or Detroit, or any other city—would vote without any danger of cutting themselves loose.

Mr. MAPES. Do you mean there are 50,000 people here who have residences in the States?

Mr. OYSTER. I mean to say this: That there are probably that number of people, including the women of the families of the Government employees who have some sort of affiliation with the States. They are credited to their States under the civil-service law, and they are very timid on that particular question, and they would refrain from voting on prohibition here, whereas in any other city that large element would vote. That is another reason why it would not be a fair test.

Mr. LOBECK. We have been making a list of the men here who are citizens of Nebraska for the last week and we can not find over 100.

Mr. FOCHT. You would not claim for a minute that this would not be the most satisfactory way of determining the matter—at least, the thing that has been contended for by the ultrasocialists and those who contend for a purer democracy, with a little “d,” you know—but, in other words, you claim that you can not get at it—there is no machinery available?

Mr. OYSTER. Yes; we have no machinery; that is, not in Washington. But I mean this, that the people who did not come forward when we were asking for real self-government here—so far as we could have it under my proposed plan—were silent as the tomb on this particular motion, and now rush forward and become so much excited because the liquor traffic is being hit. That is the only reason. I say that was the only reason. I say that without fear of contradiction.

Mr. GOULD. You were contradicted here yesterday.

Mr. OYSTER. What is that?

Mr. GOULD. One of the witnesses said he was going to vote dry, and he was very confident it was going to be carried by all the people.

Mr. OYSTER. I am like Mr. Clayton, who has been urging referendum for years, but not on any one particular question. That is

the point I make. The people of the United States pay half of the expenses of the District. This is their Capital. They are interested in it from every standpoint, morally and every other way. Now, suppose three-fourths of the people of the United States want their Capital dry—they want to eliminate the saloon—and suppose Congress by a three-fourths vote passes a bill to eliminate the saloon from the Capital and you refer it to the people of the District for a referendum. They come in and they may have a majority of 100 against prohibition. They veto a law of Congress, the will of the people of the United States, in their Capital.

Mr. FOCHT. Do they not do that everywhere?

Mr. OYSTER. No, sir.

Mr. FOCHT. In all the States they do. A majority rules.

Mr. OYSTER. Yes; the majority rules; but the majority would not rule here, because three-fourths of the people of the United States are for prohibition in their Capital.

Mr. FOCHT. How about the election of the President of the United States?

Mr. OYSTER. Here there are 350,000 people who could veto an act of Congress and eliminate the sentiment of the people of the United States on this question in their Capital.

Mr. FOCHT. Is not that the same system that we have in the election of the President? Did not 1,000 votes defeat the will of a million in the minority in the election of the President?

Mr. OYSTER. The conditions in the District of Columbia are entirely different from the conditions in any State, because here the people of the United States pay half the expenses. Is there any other city where they have one-half of their expenses paid by the people of the whole United States. Now, I do not mean by that the Congress is not doing what it ought to do. I believe it ought to pay one-half, and the time is coming, as the interests of the people of the United States grow in the Capital, their property values are going to increase and the property values of the private citizens are going to decrease; in other words, the United States is continually reaching out and taking more of the taxable property over as the property of the United States, whereby it becomes exempt under the half-and-half plan; and the conditions here, I say, are entirely different from what they are in any other city in the United States; and while I am a firm believer in self-government, and there is no question about my stand on that question in the city of Washington after 25 years of agitation of the question, if the people of the District of Columbia think that the people of the United States are going to turn their Capital over to them just as a city is in the hands of the people of the cities in the States, they are entirely mistaken. It would not be right, it would not be just, and it would be detrimental to the Capital of the United States, and I think every man concedes that. But you can give them some form of self-government here, and I have never seen anybody propose a plan that fits in as mine does by giving the people of the United States, by appointment of the President, half of the legislative body, which would have to, as I say, be organized under a charter granted by Congress. So that the conditions here are entirely different from what they are in any other city in the United States.

But one thing is sure, the wave is coming, and those engaged in that business in the District might just as well get ready for it.

The argument is made that it will throw so many men out of employment; and yet I have here a statement showing that breweries all over are being turned into other business, and where they employ more people than they did when they were running as breweries. There is no business or industry in the United States that employs so few people in comparison to the amount of money invested as the liquor traffic. Everybody knows that. That is beyond question.

Mr. CARY. Will you allow me to interrupt you, please?

Mr. OYSTER. Yes.

Mr. CARY. Have you any figures there to show what they are doing with distilleries?

Mr. OYSTER. No, I have not. This is on the breweries.

Mr. CARY. I think the distillers are in more danger than the brewers.

Mr. OYSTER. The distillers have not been here. It is the brewers.

Mr. FOCHT. It is a disputed question, and one that has been taken up by the Scientific American recently, and it was raised here at a previous meeting, as to whether these 5,000 barrels of alcohol manufactured by the Corby Co. are a by-product of the yeast factory; whether alcohol is a by-product of yeast or whether yeast is a by-product of alcohol. Now, which is it?

Mr. OYSTER. I do not propose to go into—

Mr. FOCHT. What I do not understand is that they talk so much about one feature, the beer saloon, and yet say nothing about this big institution that makes this alcohol and sends it over to Baltimore where it is converted into whisky and then send it up to Sanbury and Lewisburg, where you and I live, and make our people boozers.

Mr. OYSTER. They sell it under the guarantee that it is not to be used for beverage purposes.

Mr. JOHNSON. I saw in the Scientific American less than 10 days ago the statement that yeast is a by-product of the manufacture of distilled spirits.

Mr. OYSTER. That may be. I have not analyzed it, Mr. Chairman. I am in favor of eliminating the saloon, regardless of any yeast or of anything else that may be brought into the argument.

Mr. FOCHT. We want to clean it all out, you understand. We want to get it out and do it right, to put on the real cleaner and get at the thing that really kills, and that is alcohol; and I can not understand or reconcile the attitude of the men who want to take the glass of beer away from a man, and still are willing to leave him the ability to get liquor which is 50 per cent alcohol as against the beer with 2½ or 3 per cent alcohol.

Mr. OYSTER. When my friend, Mr. Kidd, who is a printer like myself, was before the committee and was informed that I was in favor of the bill, he said, "Oh, yes; and I think he would make it seven times as strong if he had his way." So I would. I would make everything bone-dry.

Mr. LOBECK. You are in favor of an amendment, then, attached to this bill.

Mr. OYSTER. Yes; sure, I am.

Mr. LOBECK. I am with you.

Mr. OYSTER. The representatives of the board of trade and the chamber of commerce have been here advocating a referendum on this question. I have here an editorial from the Times of Thursday, June 5, 1913, and I remember the hearing there. I went before their committee, and they refused to indorse suffrage for the District, and this editorial was referring to it. I read from it as follows:

It is difficult to understand the viewpoint of the chamber of commerce directorate in voicing disapproval of agitation for the ballot in Washington

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With some knowledge of sentiment in Congress and in administration quarters at this juncture, the Times feels that the chamber of commerce could better serve the District.

I want to say that there is not a trade body in this city that has gone on record for genuine home rule in this District, there is not a paper that has advocated it, and not until this question of prohibition in the District of Columbia came up did they ask for a vote on anything in this District; so that I say it looks to me like it is insincere on the part of these people and it is not a fair statement when they come here and say that these organizations are in favor of home rule; that is, changing the form of the government, or setting aside or amending the so-called constitution of the District—the organic act.

Mr. GOULD. Were you here yesterday at the hearing?

Mr. OYSTER. Yes.

Mr. GOULD. Did you hear described the bill that was introduced in the Senate a year or two ago asking for suffrage in the District?

Mr. OYSTER. How much suffrage?

Mr. GOULD. It asked for suffrage.

Mr. OYSTER. How much suffrage was it?

Mr. GOULD. I was just wondering whether you were here and knew about it.

Mr. OYSTER. Yes; I know all about the movements for suffrage here for 50 years in Washington, and I have been advocating suffrage for 25 years, and I proposed the plans that have been adopted by the citizens' associations here, and have addressed them indorsing suffrage plans; and these people that are asking the referendum now never came forward for it. The chamber of commerce never indorsed it, and the Retail Merchants' Association never indorsed it. There was no referendum league then to come here and indorse this measure. The fact of it is that it is insincere on the part of most of the people who are asking this referendum, and it is only because this liquor question is up that they are asking for this referendum; they are only asking it as a means, or a hope, at least, of defeating the proposition, that it should go before the people even if it passed the Congress.

Mr. GOULD. Mr. Chairman, is not the gentleman's time up?

Mr. LOBECK. The time is up.

Mr. OYSTER. I would like to have presented some real facts here to you, but of course—

Mr. FOCHT. Who is next?

Mr. LOBECK. There is this gentleman, Mr. Keeley, who wants to be heard.

STATEMENT OF MR. JAMES HUGH KEELEY.

Mr. KEELEY. Mr. Chairman and gentlemen, I represent several organizations, but not officially here, although they approve of my coming, and I wish to confine myself for about 10 minutes, supplemental largely to what was stated by Mr. Clayton yesterday; and preliminary to that, gentlemen, if you will permit me to say it, 15 or 20 years ago, when I edited a paper, I advocated prohibition, and I favor prohibition now, the whole thing; "bone-dry," I believe, is the latest expression of that.

I agree with my friend that the way to get prohibition is to get it by a fundamental expression of the people; that is what the community wants. The only law-abiding way to have a measure of this kind applied economically and socially, in an economical way, so vital to a community, is to have a substantial majority of the community with us.

I have always contended that the only way to get prohibition is to begin where the people live. It is a matter of habit. It is local government, largely, and what they want they ought to have, and what they want they will enforce; and that explains what took place in prohibition States where prohibition did not prohibit, because a city by a 2 to 3 or 4 to 1 was against prohibition; in North Dakota and other States.

I do not like the Sheppard bill, but I am not going to criticize that this morning. What I want to get with this committee as a question before them is to submit a referendum on this question. The question was raised yesterday during the able discussion by Mr. William McK. Clayton as to the propriety of submitting a referendum. My friend that sat over here—I do not think he is present this morning—raised the question, which I have heard before, that since Congress was given exclusive legislation or jurisdiction in the District, how could it be possible to pay any attention to the people here in the way of allowing them to say anything or pay any attention to what they might try to say? Now, to cover that point before I consume my time, I want to read two short expressions of possibly 50 that I could gather up, and have gathered up, and have on record in connection with this subject in the District. I might say, incidentally, that in the last six years I have spoken over 100 times on all phases of it to almost all kinds of audiences, including our hearing last fall, and I just wish to make these two quotations on the point of exclusive legislation. In 1846, when the project was up to allow that part of the District on the south side of the Potomac River to be receded to the State of Virginia, the debate had been very prolonged and ably led by Mr. Hunter, of Virginia, and this question came in of the power of Congress. In connection with that, Mr. Payne, of Alabama, in answer to something that raised this very objection that was raised by the gentleman speaking here yesterday, made this statement, which, I think, is very pointed and which, I believe, is in accord with the Supreme Court, and which is the correct interpretation of this power given by Congress. Said Mr. Payne:

As to the power of Congress in the premises, the gentleman seems to think that Congress is omnipotent in District, basing his belief upon that clause about exclusive legislation. "Exclusive," yes; as to any other power, as to the States, or any of them. The Constitution does not say unlimited; it does not make the District subject to Congress as an absolute despotism. "Exclusive" is far

from absolute legislative power. Congress may do what is proper within the Constitution. But Congress can not take private property for public use without equity. Congress can not abolish habeas corpus or trial by jury. So there is a limit. The control of the States is excluded; that is all. Congress must respect the government of the people; Congress must maintain a republican form of government. It was the duty of Congress to receive this territory (the District of Columbia). It is the duty of Congress to legislate for the people residing herein within the law of the Constitution, not contrary to it.

Twenty years almost to a month from that date the debate was on regarding suffrage of the colored people, the freedmen of the District, and the matter was up yesterday also.

Mr. Garrett Davis, of Kentucky, Senator Davis, during the debate in the Senate made a speech in which he was answering the same question, very much, as was raised here, as I have quoted Mr. Payne's explanation of in 1846. In part Mr. Garrett Davis said:

Congress is empowered by the Constitution to exercise "exclusive legislation" in the District of Columbia. The object of this provision was to withdraw the seat of government from State jurisdiction and place it under control of the United States Government to prevent any exercise of power that would molest persons in the administration of that government or interfere with them in the performance of their several duties.

It was that more than to give the Federal Government jurisdiction over the District of Columbia. It was not intended that Congress would interfere with the local affairs of the people. Such duties can be better, more wisely, performed by the people themselves.

A government founded upon the principle of the consent of the governed did not intend to govern the people of the District of Columbia without their consent; that is, without a voice in their own affairs.

As I say, I could, I think, within the next half hour give a dozen more quotations very much like that. The point I make in connection with this is that we not only ought to have self-government or referendum, but we ought to have self-government up to the point where the National Government properly comes in, and ought to welcome most heartily the fact that this issue now raised has forced upon us a consideration of a question that ought to have had the attention of the District and the country long ago.

I have talked with people who came here on a visit from States North, West, East, and South, and I am sorry to admit that they are even more uninformed than the newly arrived Congressmen as regards the District of Columbia, what it was for, and how it was constituted, and how it is constituted now. One man said—a very intelligent man, being a teacher in the schools where he resided, "I understood that this was to belong to the United States Government. We hear all about it in the States." That was the end of it. There was no use for them to vote in Washington at all. And that would be a sample of a great many similar expressions I get from all sides.

When I was in Buenos Aires, 20 years ago. I was asked in a social gathering one evening why the people in Washington did not vote. I said, with a little embarrassment, "I know that is a fact, but I can not tell you why." It was a German who asked the question, and an Englishman sitting by, said, "If you will permit me, sir, I visited Washington years ago and was entertained at the British consul's there, and they explained it to me in this way," and he told me more than I had ever learned for 40 years in my own country, about the city of Washington—excluding the vote from the people, here. He said, "We would not do a thing like that in Great Britain."

Mr. HALLIARD. Then you would hardly criticize other people for not knowing about conditions here, if you did not know yourself.

Mr. KEELEY. That was 20 years ago. I have lived here 8 years now. But the point I make is that the people of the United States do not know conditions here, and the people of the United States are really astonished at the hesitation of Congress about granting the vote here. They take it for granted that the people of the United States ought to have an expression. I think, in addition to that, it ought to be only an expression, and I think Congress is finally responsible; and, gentlemen, you will enforce prohibition better if you can get the right kind of a bill. Make it bone dry, and do not simply transfer the liquor business to Baltimore and to the people around the District. That is what it amounts to now. As it is, it will allow the rich fellow to get all the drink he wants, and the other fellow can not.

Mr. CROSSER. Are you for the bill, Mr. Warner?

Mr. WARNER. Yes.

Mr. CROSSER. How much time does the committee want to give Mr. Warner?

Mr. BURKE. Ten minutes.

Mr. CROSSER. It is moved that he be given 10 minutes.

Mr. BURKE. We would like to give you the whole afternoon, but there are people in the House who are holding the whip hand over us.

Mr. WARNER. I would like to close the discussion, if possible.

Mr. FOCHT. I would like to inquire from the colored bishop over there whether he is going to speak, or whether any of his race is going to speak. If so, the opportunity is here, and you have been soliciting it and seeking it, and your committee has called on me about it. This committee is ready to hear the colored folks on this question. You are here, and is there not any other colored gentleman here?

Mr. LAMKIN. The man who asked for the time is not here.

Mr. FOCHT. Do you wish to be heard, or does anybody else of your race wish to be heard?

Mr. LAMKIN. So far as I am concerned, I did not come to speak on this bill. I accidentally passed by and stepped in the committee room. But, gentlemen, if I have to speak——

Mr. CROSSER. Wait a minute. What we want now is not your argument, because this gentleman is entitled to the floor, but whether you want to be heard.

Mr. FOCHT. Yes; that is it.

Mr. LAMKIN. I am not seeking to be heard.

Mr. FOCHT. Is anybody else here who wants to be heard? They wanted an opportunity and we are anxious to give them a chance.

Mr. LAMKIN. I would not object to speaking, but I think the committee has already made up their minds, and I do not care to take the time.

STATEMENT OF ADAM DIXON WARNER.

Mr. WARNER. I would say that I prefer to close the debate on this side of it. There are questions that have not been presented to the committee, and I can not say what I want to say in 10 minutes.

Mr. CROSSER. Fifteen minutes, then. That would give you up to 11 o'clock.

Mr. WARNER. If it is the pleasure of the committee, I will quit then.

Mr. CROSSER. Suppose he goes on, then.

Mr. WARNER. There are some great, fundamental principles that we can not disregard—

Mr. CROSSER. First, please state your name, residence, and occupation.

Mr. WARNER. Adam Dixon Warner, lawyer, lecturer, and business man. Used to drink whisky, and finally quit.

Mr. CROSSER. Do you live in this city?

Mr. WARNER. No, sir; I live in Los Angeles.

Mr. CROSSER. You are from Los Angeles, Cal.?

Mr. WARNER. Yes.

Mr. CROSSER. Do you represent any city organization here?

Mr. WARNER. No, sir; I represent the great body of the people that are a part of the government of the District of Columbia.

Mr. HILLIARD. Has anybody interested here locally asked you to close this argument?

Mr. WARNER. Mr. Randell asked me to come here.

Mr. CROSSER. He asked you to come here and speak?

Mr. WARNER. Yes.

Mr. CROSSER. I just wanted to get that on the record; that is all.

Mr. WARNER. I want to lay this proposition down: That every citizen has a right to demand that his Government shall provide an unshackled opportunity to do the right and every facility to repel disease, physical, mental, and moral deterioration or invasion, and has a right to demand that such rights shall not be abridged by permitting any set of men to live in ease and affluence, without toil, off his weakness or frailties any more than they have a right to live off his money against his will.

The question of referendum has been suggested. I want to lay down this proposition as a matter of law: That a referendum can not be exercised upon a measure upon which there has been no legislation. Referendum is the reference of legislation to the people for their approval or rejection after the constituted authorities have exercised the legislation.

The initiative is the only thing that could control in this kind of a case; and inasmuch as the District of Columbia has no authority to hold elections and has no system or plan of election adopted by the Congress or by itself, it has no means of expressing its will by the initiative.

The only constituted authority for exercising or making laws for the District of Columbia being the Congress of the United States, then it follows that this constituency, this District, is practically no more nor less than a great municipality, and the Congress of the United States is the city council or the governing body, and I take it that no man, no lawyer of any ability, will dispute the fact that a city council can not delegate its authority. Neither can any legislative body delegate its authority to enact laws. So that, with these propositions laid down, the referendum is a misnomer so far as its application to this question of the public is concerned and can not be exercised; that it fades away and falls of its own weight. There is no reason to it. It can not be done. The initiative can not be exercised.

Now, then, what is there to be done? The exercise of Congress upon the main question, to wit, the enactment of a dry law for the District of Columbia. And that brings us to the vital question. There are some great questions besides the question of prohibition. I am not a prohibitionist. I am one of those independent men that practiced law for 35 years and defended more than a thousand men for crime. I practiced criminal law exclusively. I drank whisky for 30 years, sometimes moderately and sometimes immoderately, and I know the baneful effects of the cursed traffic.

Mr. FOCHT. You were a long time finding it out, 30 years.

Mr. WARNER. Thank God, I found it out.

Mr. FOCHT. All right.

Mr. WARNER. And I found it out through this fact. If I were to name alcohol, I would name it P-i-z-e-n, and spell it in capital letters. To-day there is not a great physician in America who would dare to prescribe alcohol in any form for any medicinal purpose. To-day the biggest physicians in America say that the woman, the mother, her construction, the fiber of her being, the delicacy of her organism is such that alcohol is destructive of the procreative organs, and especially does it have an effect upon the mind of woman, to such an extent that she ought to be prohibited by law from using it. In the United States of America last year we consumed 2,255 million gallons of alcohol, or 2 billion 255 million gallons of alcohol. That is 25½ gallons per capita. In 1870 we consumed only 6 gallons per capita. Disease and death to-day have grown larger, during the last 16 years, than in any other period of the history of this country, and the diseases that alcohol is most dangerous to are the ones that have increased the most during the last decade. I say that the public health of the community demands the absolute bone-dry, in any community. Alcohol can not be said to be a health-producing food or drink. It has not one particle of food value in it of any kind or description.

It is destructive of the organism of every being that takes it in any form, and I care not whether it is in beer, or whether it is in wine, or whether it is in alcohol. The best authorities in America say that an ounce of alcohol taken every 24 hours will increase the heart beat 4,200, and will shorten the life of the average man six years. So that in these times, and in this great crisis, when we are defending our shores, when we are asking for preparedness, when we are asking for the great body of the people, the greatest question before Congress to-day is to preserve its manhood and its womanhood. The deterioration of the young men of this country to-day through alcohol and nicotine is the worst curse that ever afflicted any country or any city in the world. Russia was drunk when she went into the war with Japan, and she got licked. Russia was drunk when she went into this war, and she was driven back; and when she drove vodka out she began to win. Germany was drunk. England was drunk. France was drunk. I understand that the wines that the French people have drunk have taken an inch off the stature of the French race in the last 25 years; and to-day we are consuming more alcohol than any other country in the world, per capita, and the United States is drunk. Notwithstanding that three-fourths of the territory of the United States is dry, notwithstanding that 60,000,000 people live in what is said to be dry territory, yet the consumption of

alcohol has increased until it is greater than it ever was before. How do you account for it? Because the wives, the women, the mothers, the girls, in our centers of population, as well as the men, are drinking more whisky than they ever did before.

In the same way your asylums contain more inmates, your reformatories more inmates, your penitentiaries more convicts, than ever before in the history of this country. This is the record; and this is the reason why this great question ought to be considered upon its merits, and you ought not to allow any set of men or any individuals to inject an issue that has no place in the discussion of this great question. The question before this Congress is, Shall the District of Columbia be dry or not dry? The widow at Los Angeles, my client, who is there because of a drunken husband, and has a boy in the penitentiary and a girl in the brothel, is as much interested in the legislation of the Capital of the United States as is the taxpayer who lives here. It is her Capital. The widow in Maine has the same interest, in Washington the same, and in Florida the same. This is the Capital of the United States. It is the seat of government of the United States, and Congress fixes a system of government for it in having provided that the representatives of the people, the great Congress of the United States, should legislate for the District of Columbia.

Mr. TINKHAM. You are from California. I want to ask a question. How did California legislate for this the last time a prohibition amendment was submitted there?

Mr. WARNER. It did not legislate.

Mr. TINKHAM. Do you mean that it did not go one way or the other? It defeated prohibition, did it not?

Mr. WARNER. It defeated prohibition.

Mr. TINKHAM. By what majority?

Mr. WARNER. I do not know. I say I was not there. I was here in New York. I think it was about 100,000.

Mr. TINKHAM. Yes.

Mr. WARNER. But I am glad you have asked the question. And, mark you, in the State of California are produced 95 per cent of the wines produced in America. California produces 98 per cent of the raisins produced in America. Our fruits are our great staples in California. And the great cry has been made by the whisky interests that we will destroy the fruit industry. As a matter of fact, of the 330,000 acres of land in California raising grapes, only 130,000 acres raise wine grapes, and the 50,000 acres raising table grapes produce more money than do the 130,000 acres raising wine grapes. And the 70,000 acres raising table grapes produce double the money that the 130,000 acres raising wine grapes produce. There is not a grape raised in California that modern science can not grind up to-day and put with corn, wheat, and oats and beans, and make the best food in the world. And there is not a wine grape raised in California that can not be transformed and transfused into the raisin or table grape inside of four years. I know, because I have done it in my own vineyards. But the people have been deluded by the whisky traffic. I say that there is not a wine-grape grower in California that has made a dollar in 10 years. The distilleries make all the money; the wineries make all the money. They buy the wine grapes from the producer at \$6 and \$10 a ton.

Mr. TINKHAM. How many distilleries have you in California?

Mr. WARNER. I can not give you the figures now. I will be glad to submit them to you a little later.

Now, all the statements of all men without something behind them do not weigh much. Any man can make an assertion. All men make assertions. But I want to make statements here backed by authority, and I do not want to make any wild statements or any reckless statements, and I would like the attention of the committee, if you please, to what I have to say in conclusion of my argument. I say that the diseased public conscience and the degeneracy of the age is chargeable directly, 90 per cent of it, to the liquor traffic. As the consumption of alcohol increased during the last 30 years, so have degeneracy, crime, and insanity increased, and your penitentiaries are fuller to-day than they ever were in the history of America. If it is economically wrong for the business corporation, the railroad, the industrial institution, the manufacturer of any kind to employ men who drink, then it is doubly economically, morally, and legislatively wicked and wrong for Congress to pass a law perpetuating that instability, destroying citizenship, that deluges a man, overwhelms him, and beats him down so that he can not lift himself up. There is not a railroad in America to-day which will employ a drinking man. There is not an industrial institution to-day that would put a drinking man out to sell its goods; there is not one manufacturer that would employ a man in his factory who is a drinking man. The Congress of the United States at the Capital should make it the exemplar and very pinnacle of the highest in government; the vindication of the American Government.

I say alcohol is a poison. All scientists say that the organism, brains, nerves, and productive organs of women are so delicate in construction that they are peculiarly susceptible to the baneful resultant effects of alcoholic liquor; and the very highest authorities say that women ought to be prevented by law from drinking intoxicants at all, if the womanhood and the manhood of the United States, its most vital force, is to be preserved.

Mr. GOULD. Would you suggest that as an amendment to be put in this bill and this legislation?

Mr. WARNER. It is not necessary to put it in. If this legislation passes it will drive booze in every form, not only out of the saloons, but out of the homes of this District.

Mr. LOBECK. Do you say this bill will do it?

Mr. WARNER. Yes.

Mr. LOBECK. No; it will not.

Mr. WARNER. What does it do?

Mr. LOBECK. It is part dry and part wet.

Mr. WARNER. What is?

Mr. LOBECK. This bill that is before us.

Mr. WARNER. Then I have not read the right bill.

Mr. LOBECK. No. I will vote with you for bone-dry, young man, and I know as much about it as you do, and I have drank as much as you have.

Mr. MAPES. This bill provides for absolute prohibition in the District of Columbia. The gentleman intimates that it can be shipped in.

Mr. LOBECK. It can be shipped in.

Mr. WARNER. Who says it can be shipped in?

Mr. LOBECK. Because that provision in the District of Columbia law is eliminated.

Mr. WARNER. But the Supreme Court of the United States said the other day in a case of legislation, that where a State or district enacted a dry law, that law was supreme.

Mr. LOBECK. Yes; there is no doubt about that.

Mr. WARNER. So, I say that nobody can ship booze into the District if you pass this law. That is a fallacy. It will make it bone-dry. And thank God that that thing is up. You had the expression the other day of the legislature. This great wave passed to the Pacific coast. From Maine it jumped across the plains and the mountains. Six years ago, when I wrote this book, there were only 9 dry States, and there are 26 to-day; and the Congress the other day took it up, and from the Pacific coast across the mountains and the plains and down the Shenandoah and the Potomac came a wave of the 321 votes against 72, which made 17 States bone-dry that were not bone-dry before. Put this bill up to them. And, oh, I wish that there was a man in the Congress or in the committee that would strike out "the District of Columbia" and substitute for it "the United States of America and all its Territories."

Mr. FOCHT. Do you think that the Webb-Kenyon bill would apply to the District if this bill were passed?

Mr. WARNER. Absolutely. It would apply to every part of the United States, and every Territory.

Mr. TINKHAM. What have you to say about this bill as to the referendum?

Mr. WARNER. I say that you have not got a referendum. A referendum implies this, that after legislation is passed, there shall be submitted then to the people if, in the wisdom of the people, it was not just—if it was unjust.

Mr. TINKHAM. You do that in California.

Mr. WARNER. No; we do the initiative in California, and then afterwards we refer it—after the legislation is passed.

Mr. TINKHAM. Do you believe that in California, as a whole, it is a good thing to refer certain legislation?

Mr. WARNER. We are the home of the initiative, referendum, and recall—the first large city in America to adopt it.

Mr. TINKHAM. You believe the referendum there is a fair way of settling legislation?

Mr. WARNER. Yes.

Mr. TINKHAM. Why should it not be for the District of Columbia?

Mr. WARNER. Because I have as much right in California to say what the laws of the District of Columbia shall be as you have—if you live here and own property. It is my Capital. I pay half of the taxes.

Mr. TINKHAM. But I am suggesting that your Representatives and my Representatives in Congress submit it by a referendum, though you are represented.

Mr. WARNER. They have not got any authority. You can not delegate the power. You are my Representative here now under the law, under the Constitution, to enact laws for the District of Columbia, and I do not propose that you evade your duty.

Mr. TINKHAM. It has been done three times.

Mr. WARNER. I do not care whether it has been or not. A million wrongs do not make a right.

Mr. TINKHAM. That is, you believe that a referendum in California is good, but not in the District of Columbia?

Mr. WARNER. Because our Constitution and our system of government permit.

Mr. BURKE. Is not that a technicality?

Mr. WARNER. No; that is a clean-cut provision of the law and not a technicality. And why should the swaggering chieftain Booze come here in the very citadel of America and say what kind of laws shall be enacted to suit his business, a business that breaks down men and women and makes misery everywhere and does nobody any good? You will not evade your duty. And I will show you a new course, not mapped out by the fathers. Mr. Booze has buffaloeed the people in every State of the Union for years, until now he is backed up against the wall with his damnable infamy, and he has got to meet the justice of the great sovereign people of America, who say "Get out of business or justify," and the record shows that he can not justify.

Bright's disease has increased nearly 100 per cent in 30 years, and the best authorities say that it is produced largely by alcohol.

Cirrhosis of the liver and hardening of the arteries have increased, by a record here, and I would like to introduce it as a part of my remarks. This is the record made by the Government.

Mr. TINKHAM. Cirrhosis of the liver is caused by overeating, is it not?

Mr. WARNER. No, sir.

Mr. TINKHAM. It is not?

Mr. WARNER. Maybe. Why not by overdrinking?

Mr. CARY. How large is that piece you want to put in?

Mr. WARNER. These mortality statistics for 1915, from a bulletin issued by the Census Bureau September, 1916; and it brings these vital questions right up.

Mr. CARY. What is that in?

Mr. WARNER. This is the World's Almanac for 1917. This is a copy of the Government document. I read as follows:

The deaths from heart disease (organic diseases of the heart and endocarditis) in the registration area—

That is about three-fourths of the United States—

in 1915 numbered 105,200, or 156.2 per 100,000 population. The death rate from this cause shows a marked increase as compared with 1900, when it was only 123.1 per 100,000.

* * * * *

The only remaining death rate higher than 100 per 100,000 in 1915 was that for Bright's disease and acute nephritis, 104.7. The total number of deaths due to these maladies in 1905 was 70,500; of this number 64,480 were caused by Bright's disease and 6,020 by acute nephritis.

Mr. TINKHAM. Let me ask you a question at that point. Are there not a great many cases of babies dying of Bright's disease and nephritis? Are there not many cases of men and women, who have never had anything to do with alcoholic liquor in any way, dying from that disease?

Mr. WARNER. I will not say that there are many children die of Bright's disease. I do not think Bright's disease develops in children. Nephritis may. But the large mortality in children is not caused by those diseases, and the best medical authorities tell me that they are willing to say that from 75 to 80 per cent of the cases of Bright's disease are engendered largely by excessive use of alcoholic liquors; in other words, that alcoholic liquor is the greatest moving cause of Bright's disease. I read further:

The mortality rate from these two causes increased from 89 per 100,000 in 1900 to 103.4 in 1905, fluctuated more or less between 1905 and 1912, and has shown little change since the last-mentioned year.

Next in order of deadliness come cancer and other malignant tumors, which caused 54,584 deaths in 1915. Of these, 21,221, or nearly 39 per cent, resulted from cancers of the stomach and liver.

And, again, the best physicians in America tell me that those things are superinduced by the excessive use of alcoholic liquors.

The death rate from cancer has risen from 63 per 100,000 in 1900 to 81.1 in 1915. The increase has been almost continuous, there having been but two years, 1906 and 1911, which showed a decline as compared with the years immediately preceding.

Mr. TINKHAM. Are not women very much more subject to cancerous growths than men?

Mr. WARNER. Possibly so; but I think the record shows that the large percentage of cancerous growths are among the women resident in the large cities, and women resident in the large cities are more given to the drinking of alcoholic liquors than the women resident in the suburban and country districts.

Mr. TINKHAM. Permit me to ask you this question—

Mr. LOBECK. Do you make that statement, that the women of the cities have more cancer than the women of the country? I live in a large city, and there are a great many women come from the country to be operated on for cancer.

Mr. WARNER. I did not catch the last part of what you said.

Mr. LOBECK. I say that I live in a very large city when I am at home, and a great number of patients to be operated on for cancer are from the country and the farms. There is no way of telling how cancer comes. If you could tell how it comes, you could tell how it could be cured, and you would be the greatest man in the country.

Mr. WARNER. Sure; I am not saying that.

Mr. LOBECK. Do you not think that you can sell liquor in this District under section 2 of this bill?

Mr. WARNER. If you can, then put it so that you can not.

Mr. LOBECK. That is the trouble. I want to amend. I am willing to amend.

Mr. WARNER. I want to get through with this.

Mr. CLOSSER. The gentleman has only two minutes left.

Mr. MAPES. I move that he be allowed to finish.

Mr. CROSSER. Without objection, he will be allowed to finish.

Mr. BURKE. Is it your contention that the use of whisky, beer, wine, and liquors has a tendency to create in human beings diseases and weaknesses?

Mr. WARNER. Not only that it has the tendency—

Mr. BURKE. Answer my question by yes or no.

Mr. WARNER. It not only has the tendency——

Mr. BURKE. Will you answer my question?

Mr. WARNER. But they do create them, and I say that positively, unqualifiedly, and unreservedly.

Mr. BURKE. What is your answer to this fact, that the German Government each day furnishes its soldiers with a liberal supply of beer, and they have proven themselves the most efficient soldiers in this war?

Mr. WARNER. I am glad that you made that statement.

Mr. BURKE. How do you explain that?

Mr. WARNER. I will explain it by this statement of Dr. Aschaffenberg, than whom no greater physiological specialist lives to-day. He reports that "the so-called moderate drinker who consumes a bottle of wine as a matter of course with his dinner, and thinks he is never under the influence of liquor, is really never sober from one week's end to another." He is the greatest physiological specialist in all Germany.

Mr. BURKE. Do you not think that the German Government knows more than that one particular doctor? And does not the efficiency of its army prove the wisdom of supplying its soldiers beer daily, liberally?

Mr. WARNER. He is the special medical adviser of the Kaiser himself, and the biggest authority.

Mr. BURKE. Then the Kaiser does not practice what that doctor preaches.

Mr. WARNER. I read further from the mortality statistics for 1915:

Diabetes was the cause of 11,775 deaths, or 17.5 per 100,000.

Mr. BURKE. What percentage of those were due to liquor using?

Mr. WARNER. When I get through that paragraph I will endeavor to answer you as near as I can. [Reading:]

The rate from this disease has risen almost continuously from year to year since 1900, when it was 9.7 per 100,000.

I say to you that Dr. Howard Kelly, the highest authority in America to-day, at Johns Hopkins Hospital in Baltimore, says that alcohol is the most powerful influence to create and perpetuate disease in the human organisms, and that women ought to be prohibited by law from using it.

Mr. BURKE. Look here, my friend, we have certain sections of this country inhabited by purely German people, and men and women, the women as well as the men, drink their beer daily, and they produce the finest children to be found in the country.

Mr. WARNER. And when the German who drinks beer or whisky, or any other man who drinks beer, gets disease, his life will snap off like a glass rod.

Mr. BURKE. Statistics show that they possess as great longevity as any other race in this country.

Mr. WARNER. I am not discussing that question. I am not raising any race questions, or anything of that kind. I am here stating to the committee the information I have gleaned after 15 years of expert study of this great question, and after 30 years of playing the other side of the game, and I have become thoroughly convinced, after a study of it, and traveling over the country, lecturing throughout the country, that if all the other evils were combined into one and fused

in a crucible together they would fall far short of the damnable iniquity that is perpetrated upon the human race by alcoholic liquors.

Mr. BURKE. Friend, will you answer this question: Is it not a fact that alcoholic drinks have been in use from time immemorial by the human family?

Mr. WARNER. Yes.

Mr. BURKE. And we are to-day at the highest state of civilization known in history?

Mr. WARNER. I disagree with you. I say that sin began with Adam, and sin continues to-day, and civilization is lower to-day than in any period of history, and I point to your Germany, Russia, France, Belgium, England, Austria-Hungary—

Mr. FOCHT. No; that is the low tide and denial of Christianity; it is civilization, but not Christianity.

Mr. WARNER. No; it is not. It is not denial of Christianity, but you have got them in one vast Aceldama.

Mr. LOBECK. Are you urging that the United States go into that?

Mr. WARNER. No; I am trying to keep out of it. If we can get the United States sober, they will keep out of it.

Mr. LOBECK. I am glad you have taken that position.

Mr. WARNER. I want to thank the committee very kindly—

Mr. FOCHT. Just one statement I want to have you correct a little. You talk about the expectancy of life. I do not think the mortuary tables will agree with you on the question of mortality. The average expectancy of human life has increased 20 per cent within the last 40 years.

Mr. WARNER. I have not the tables here.

Mr. FOCHT. I have a statement from the New York Life Insurance Co. which said that I had had three years put on me in the last 40 years.

Mr. WARNER. Dr. Kress, superintendent of the Washington Sanitarium, says:

Brain degeneracy to some extent exists in every child born of alcohol-using parents. In the second generation of alcohol users the degeneracy becomes more manifest, while as a rule it remains for the third and fourth generation to reap the full result of alcoholism.

Mr. BURKE. But does not that apply—

Mr. WARNER. Dr. Lundgren, a leading physician of Berlin, says:

It is difficult to find any part of a confirmed beer drinker's machinery that is doing its work as it should. This is why their life cords snap off like glass rods when disease or accident gives them a little blow.

In Germany they have the disease known as the "beer drinker's disease," which has the highest percentage of deaths of any disease known in Germany.

Dr. MacNicholl—

Mr. BURKE. They continue to increase in population very rapidly over there. [Laughter.]

Mr. WARNER. Yes; they are a very busy people.

Dr. N. S. Davis, of Chicago, the father of the American Medical Society, says:

I proved to my complete satisfaction that alcoholic drinks are poisonous in the same sense as opium, arsenic, and chloroform, and should be sold under the same laws as other poisons.

Dr. A. Forel, professor of nervous diseases in the University of Zurich, says:

Alcohol, even when diluted as in wine, beer, and cider, is a poison which changes pathologically the tissues of the body and leads to fatty degeneration; it also injures the brain by producing paralysis and disarrangement of the functions.

That has been demonstrated by Kraepelin, Smith, Fuerer, Aschaffenburg, and a host of others, all Germans—scientists. Life is considerably shortened by use of alcohol in large quantities, and the moderate consumption shortens it five or six years.

I want to put that five or six years on the boy that we need tomorrow out at the front. I want a million boys. And there are a million and a half of them in your penitentiaries and asylums and reformatories to-day, and you have got to feed them.

Mr. BURKE. Do they come from drunkard parents?

Mr. WARNER. I will venture to say that 84 per cent of them get it by heredity, and the booze taint.

Mr. BURKE. Are there any inmates of the penitentiaries in prohibition States?

Mr. WARNER. Kansas has been dry, and she has not got an asylum any more, or no prisons at all. Gov. St. John and Gov. Hodges are my authority for that. There is their statement.

Mr. BURKE. No one believes Gov. St. John on the prohibition question.

Mr. WARNER. How about Abraham Lincoln and George Washington?

Mr. BURKE (continuing). He is an interested witness.

Mr. WARNER. Lots of people denied Abraham Lincoln and George Washington.

Mr. CARY. How can you account for Kansas introducing in its legislature the other day an antitreating bill?

Mr. WARNER. Simply because the fellows were taking from Kansas City, Mo., over into Kansas City, Kans., in mass, booze, carrying it in their coat pockets and bootlegs, and by every other possible known device, and treating fellows with it, and they made that a crime in Kansas. I have been in every city in the State of Kansas, and I tell you it is the greatest State in the Union, and it was only made great because it was made dry.

Mr. LOBECK. You have not been in Nebraska, then.

Mr. CARY. I understand that about 75,000 farmers moved out of Kansas. Where did they go, do you know?

Mr. WARNER. No; no 75,000 farmers are moving out of Kansas. You have got another guess coming.

Mr. LOBECK. We get our droughts from Kansas, up our way.

Mr. OAKLEY. We get our grasshoppers from Kansas.

Mr. WARNER. All right, gentlemen; I like your badinage. I enjoy it.

Mr. OAKLEY. We like yours.

Mr. LOBECK. You are all right.

Mr. WARNER. The Kaiser, in a speech a few months ago—when was that, Mr. Oyster?

Mr. OYSTER. About 1912; it was before the war.

Mr. WARNER. Yes; on February 27, 1912, he said:

The time requires iron-hearted men, and no man can be iron hearted who poisons his brain with alcohol.

I say it as a lawyer and a scholar.

Mr. BURKE. But the Kaiser is practicing in this war directly the opposite. [Laughter.] Practice is a better teacher than theory, is it not?

Mr. WARNER. Lots of men say things publicly that they do not believe.

Mr. BURKE. Yes; that is true on both sides.

Mr. WARNER. Yes.

Mr. BURKE. All the European monarchs were in peace and love and amity in 1912. Where are they now?

Mr. WARNER. Yes. I have heard the voices of men before, and then later I saw their actions that told the truth.

Mr. TINKHAM. You think that no man could have an iron heart that drank alcohol?

Mr. WARNER. No; that is what the Kaiser said.

No man can be iron hearted who poisons his brain with alcohol.

Mr. TINKHAM. Do you believe that?

Mr. WARNER. I believe this, and I know this to be true, that the mortuary tables of the Life Insurance Co., of Hartford, Conn., show the life expectancy of the abstainer at 20 to be 44 years, and of the drunkard at 20 to be only 15 years. I want that 19 years put on the boys of this Nation.

The life expectancy of the abstainer at 40 is shown to be 28 years and of the drunkard to be only 11 years. I want the man at 40 to have the difference between 11 and 28 years added to his life in the United States. That is the best kind of preparedness against war.

The life expectancy of the abstainer at 60—and I am just turning the pale now, next May, the 22d, when I arrive at the three score—and oh, I wish I had had some man that I could have sat and heard 50 years ago as I am talking now, with the facts and the figures of the medical world, against this damnable infamy, and that I had not wasted 30 years of my life!

Mr. TINKHAM. Did you ever take a drink?

Mr. WARNER. I bought enough to float this ship, and I have drank some.

Mr. CROSSER. Mr. Tinkham was not here when you commenced your statement.

Mr. WARNER. The expectancy of life of the abstainer at 60 is shown to be 15 years and that of the drunkard to be only 8 years. At 60 I have got double the expectancy, if I do not drink, I have if I do. Do I say that? No; the greatest business agency of America, that is based on life, based on living, says it, on that basis asserts it and publishes it to the world, and gets business on it. This is not my affirmation or my asseveration here. These are the facts before this committee on which they must judge this great question before Congress, whether or not you will advocate this bill and have it passed. Pass it through Congress, and then if the city wants a referendum on it, provide them the machinery, if you feel that they are entitled to it. I do not think they are entitled to it. The great government that established this city recognized it as belonging to the great body of the people. There are thousands and thousands of men and women employed in the great offices, who live out in their States. You can not give them the franchise. You may

give them the franchise here, but you can not get them to vote on the question; because if they do, they will lose their votes in their own States, and you can not change the law of California by the law of the District of Columbia. You can not change it in Maine or in any other State. So that it will avail very little. Then, to whom do you give the franchise? A few of the property owners here. But I own more property here than any one of them; and so do you. You have got your great parks, you have got your great buildings, that give value to the city, owned by the great body of the people of America.

Six years ago I came here and I wanted to go out to Mount Vernon to see the tomb of the Father of our Country, and when I went to get on the car I saw the buildings around there, and I asked the man what they were, and he said, "They are dens of infamy, one after the other, on both sides of the street." I saw women, ladies, and children, down around there, compelled to go through that den of infamy to get the cars to go to Mount Vernon. I then declared that I would wipe that out, if I could. I went back to Los Angeles and I told our Senator of it, and he came to the Senate and he cut in on it, and they wiped out that infamy.

There are 300 saloons here in Washington. For whose benefit? I ask the man in America to get up and say that they are for the benefit of anybody except the man who sells booze for money over their bars. You represent the great body of the people for the defense of the Nation, defense of its health, of its citizenship, of its character, and to prevent disease.

Gentlemen of the committee, I thank you again and again for your kindness and courtesy, and I will be delighted to answer any questions that are asked me, if I can.

Mr. CARY. Did I understand you to say that insanity was entirely wiped out in Kansas?

Mr. WARNER. No; but I say the insane asylum is there with nobody in it.

Mr. CARY. Where do they put those 172 per 100,000?

Mr. WARNER. What do they do with whom?

Mr. CARY. With the 172.7 per 100,000 of the population of Kansas?

Mr. WARNER. When was that?

Mr. CARY. This is in 1914 and 1915.

Mr. WARNER. Do you know how long it is since Kansas has been completely dry? Not over two years.

Mr. CARY. Oh!

Mr. WARNER. They have been having bootleggers there, and they had a fight with every officer there to enforce the law.

Mr. CARY. Kansas introduced a law in the legislature the other day to prevent treating.

Mr. WARNER. Yes; but I say the construction and interpretation by the Supreme Court will make it dry. You can make it dry or the State will make it dry, and the best incentive to the people of America will be if to-morrow this committee reports this bill favorably for passage, and when Congress by another vote like it had yesterday will ring out all over the world "321 to 72." To-day, in every hamlet in the world, they are reading and thanking God that the great United States of America drove from 14 or 15 States the mightiest curse of all the world against humanity, against citizenship, against character, and against good government.

Mr. BURKE. Mr. Chairman, shortly after the committee assembled this morning it was moved and seconded and carried by the committee that the committee meet here in executive session at 2 o'clock this afternoon. I merely make this statement for the reason that there are some of the members who came in subsequently to the committee taking that action, and word should be passed around, to the balance of the members who were not here, of that action.

Mr. CROSSER. The clerk will notify the absent members of that.

Mr. CARY. I should like unanimous consent to put in the record some figures in regard to Kansas.

Mr. CROSSER. Yes.

Mr. MAPES. Where are those figures obtained?

Mr. CARY. From the records of the State.

Mr. MAPES. Who prepared them?

Mr. CARY. I suppose some gentleman looked this up. I have not got his name here. There are several others, at different times.

Mr. LOBECK. They have some people who lose their minds in Kansas, the same as in other States.

Mr. CARY. I want to give the proper comparison with other States, and a comparison from all States.

Mr. MAPES. You are not able to state who prepared them?

Mr. CARY. No; I do not know who prepared them, except that this was gotten up in book form.

Mr. CROSSER. Do you propose to put in the whole book?

Mr. CARY. No; just the figures as to Kansas. I might read it in later on.

Mr. CROSSER. What is the pleasure of the committee? Is there objection? The Chair hears none.

Kansas is the favorite "dry" example which the prohibitionist uses. The United States Statistical Abstracts for 1913 show that Kansas is far from being the model State that the uninitiated are apt to believe.

When "dry" Kansas is compared with the "wet" States some interesting figures are revealed. It is also to be noticed that the prohibitionist never shouts of Maine, Georgia, Tennessee, Virginia, West Virginia, and other "dry" States, but holds up Kansas as the "seventh heaven."

Therefore, proof that Kansas is not the angel State of America is proof that no "dry" State hold that position.

The Anti-Saloon League Yearbook is the acknowledged authority of the prohibitionists to show that prohibition is the state of health and happiness and prosperity. This little volume gives many pages of statistics to prove its claim, and yet some of the figures, while correct and official, have been used without realizing that they prove the contrary of the test. For instance, Kansas is held as the model prohibition State, and the real Land of Canaan among the ungodly States of the West.

But the editor of the yearbook did not select his statistics with care to demonstrate his assertions. He argues that the health, happiness, and prosperity of the people are measured by the occupants of the penitentiaries, the insane asylums, the poorhouses, and the number of children in the homes that give a guarantee against race suicide. After making this argument so convincing that no sane men deny it, the Anti-Saloon Yearbook presents these figures for the year 1910:

	Kansas.	Nebraska.
Prisoners per 100,000 population.....	85.4	55.2
Paupers per 100,000 population.....	43.5	46.2
Insane per 100,000 population.....	172.2	167.0
Number of persons to 100 families.....	427.3	449.0

These figures are strangely confusing when taken into consideration with the text of the argument that prohibition is a sure protection against crime, pauperism, insanity, and race suicide. The first group of figures shows that "dry" Kansas had more crime and more prisoners in her penitentiaries and jails than "wet" Nebraska. The third group shows that "dry" Kansas had more insane than "wet" Nebraska.

TOPEKA, KANS.

Read this:

Senator Joseph L. Bristow, of Kansas, in debate over District of Columbia prohibition measure January 15, 1915:

"I am glad to say that I live in a State where men and women have been born and have grown to manhood and womanhood and have never seen a saloon. It is a disgrace to the Nation that when they come to visit its capital these sources of moral pestilence to society should be open, and thereby invite them to enter and corrupt their morals and debase their natures." (From Congressional Record, p. 1683.)

Then read this:

Population (1910 Federal census):

Cincinnati.....	363,591
Topeka.....	43,684

Arrests for drunkenness (1914):

Cincinnati.....	1,358
Topeka.....	681

How drunkenness arrests compare: Cincinnati, 1 for every 267 residents; Topeka, 1 for every 64 residents.

NOTE.—In making this comparison it must be kept in mind that as the only legal way to get liquor in Kansas is by shipment from outside the State, there is, beyond all doubt, a greater tendency to secret drinking in the homes and elsewhere than there would be in a license community like Cincinnati. Topeka arrests are likely, therefore, not to be an entirely adequate index to the actual amount of drunkenness in the capital of the State that has had "prohibition" for some 35 years and that is lauded by prohibitionists as the banner prohibition State.

Remember, also, that Cincinnati is a big city, with all the drawbacks incident to a congested city population, while Topeka is a small city.

KANSAS VS. THE LICENSE STATES.

THE CASE AGAINST PROHIBITION KANSAS.

(NOTE.—The States referred to as "license States" were license at the time these reports were made.)

Mr. Royal E. Cabell, expert statistician and former United States Commissioner of Internal Revenue, has made an authoritative analysis of official records from Washington, D. C., showing the position of "dry" Kansas as compared with the license States.

Mr. Cabell's statistics are taken from the 1910 census of the United States Government and the official records are from the Census Bureau in Washington, D. C.

The States which are referred to as license States had "license" laws at the time when the 1910 census was taken. Therefore, despite subsequent changes in the law of these States, it is permissible to make this comparison showing the social conditions in "dry" Kansas and the license States in 1910.

INSANITY.

Kansas had 172.3 insane per 100,000' population in State and private hospitals. Ten license States with better records were:

New Mexico.....	68.43	Kentucky.....	153.17
Wyoming.....	115.71	Utah.....	92.43
Florida.....	113.20	Texas.....	104.19
Louisiana.....	130.78	South Dakota.....	148.96
Indiana.....	167.66	Nebraska.....	167.22

PAUPERISM.

Kansas had a rate of 43.49 per 100,000 population, which was greater than the rates of the following six license States:

Louisiana	11.33	Florida	27.60
South Dakota	25.00	Minnesota	33.18
Wyoming	13.57	Texas	22.13

DIVORCES.

The average annual divorce rate per 100,000 population from 1898 to 1902 for Kansas was 286. Twenty-three license States which had smaller average divorce rates for this same period were (per 100,000 population):

Rhode Island	281	Ohio	231
New Hampshire	272	Minnesota	161
Kentucky	237	Massachusetts	124
Florida	226	Pennsylvania	94
New Mexico	193	New Jersey	60
Vermont	177	New York	60
Louisiana	127	Utah	274
Maryland	114	Illinois	267
Delaware	43	Nebraska	226
Missouri	281	Wisconsin	180
South Dakota	270	Connecticut	130
Michigan	257		

The percentage of divorces granted to wives for cruelty from 1887 to 1906 for Kansas was 24.3. Fifteen license States with a better record were:

Montana	22.7	Ohio	22.6
New Mexico	14.8	Kentucky	20.2
Florida	13.5	Connecticut	19.8
Delaware	10.4	Wyoming	15.9
Maryland	2.7	Utah	12.3
Massachusetts	22.4	Louisiana	9.9
Rhode Island	11.4	New Jersey	1.9
New York	7.1		

CHURCH MEMBERSHIP.

The percentage of church membership to the total population in Kansas was 28.4. Twenty-eight license States having a greater percentage of church membership in proportion to the population were:

New Mexico	63.3	Minnesota	41.2
Massachusetts	51.3	Michigan	38.0
New York	43.7	Indiana	34.6
Vermont	42.0	Maryland	37.1
New Jersey	39.0	Florida	35.2
Illinois	38.3	Rhode Island	54.0
Kentucky	37.0	Connecticut	50.0
Nevada	35.3	New Hampshire	44.0
Texas	34.7	Ohio	39.2
Nebraska	32.4	California	37.1
Utah	54.6	Delaware	36.6
Louisiana	50.6	South Dakota	34.8
Wisconsin	44.3	Missouri	35.7
Pennsylvania	43.0	Montana	32.6

JUVENILE DELINQUENTS.

The rate of juvenile delinquents in Kansas was 25.68 per 100,000 population. Nine license States with less juvenile delinquents were:

Louisiana	6.90	Montana	23.51
Florida	13.06	South Dakota	17.75
Utah	20.81	New Mexico	5.31
Texas	4.75	Nebraska	11.17
Minnesota	18.93		

MURDER.

Kansas had 11.36 murders per 100,000 population. The 19 States that had less homicides in proportion to the population were:

New Mexico.....	3.00	Indiana.....	9.62
New Hampshire.....	4.40	Massachusetts.....	4.28
Utah.....	6.21	South Dakota.....	6.03
Minnesota.....	6.66	New York.....	6.24
Pennsylvania.....	6.99	Nebraska.....	6.97
Ohio.....	7.47	New Jersey.....	7.31
Vermont.....	7.71	Michigan.....	7.65
Connecticut.....	10.81	Delaware.....	10.00
Wisconsin.....	6.22	Illinois.....	11.29
Rhode Island.....	6.66		

PRISONERS OF ALL KINDS.

Kansas had a rate of 90.94 prisoners of all kinds per 100,000 population. Six license States having less prisoners in proportion to the population were:

Wisconsin.....	71.88	Nebraska.....	55.12
South Dakota.....	48.10	Minnesota.....	77.92
Ohio.....	84.13	Illinois.....	90.78

SAVINGS ACCOUNTS.

The report of the Comptroller of the Currency giving the number of savings depositors in mutual and stock savings banks all over the country on June 4, 1913, shows that Kansas had 1,148 savings depositors for each 100,000 of population. The 24 licensed States having a greater number of depositors in proportion to the population than Kansas, were (per 100,000):

Massachusetts.....	63,411	New York.....	32,065
Vermont.....	32,167	Minnesota.....	5,320
Delaware.....	16,362	Kentucky.....	1,819
Louisiana.....	7,545	Wyoming.....	1,405
Pennsylvania.....	6,064	Indiana.....	1,219
Wisconsin.....	3,158	New Hampshire.....	47,581
Nebraska.....	1,669	California.....	31,562
New Mexico.....	1,483	Maryland.....	20,939
Montana.....	1,260	Utah.....	12,714
Connecticut.....	52,200	Michigan.....	6,452
Rhode Island.....	25,312	Ohio.....	6,676
New Jersey.....	12,735	Nevada.....	1,819

GREAT MEN AND TEMPERANCE.

Is it not strange that wet England produced a Shakespeare, wet Germany a Schiller, a Bismark, wet America a Jefferson, a Washington, and a Lincoln, while prohibition Turkey never produced a single great man in all the centuries since Mohammed?

Its religion and civilization both rest upon prohibition. The beer drinking Bulgars were more than a match for the dry Turks. There is to-day not a single example of superior manhood in the Turkish Empire. The prohibition Turks trail at the tail end of civilization. They are inferior in everything except bigotry, brutality, and ignorance. Prohibition has utterly failed to elevate the standard of manhood and morality in the only country in the world where it is a success.

It is a matter of history that very few really great men were total abstainers. Men of character and ability, like Gladstone, Asquith, and Salisbury; giants of intellect like Carlyle, Macaulay, Tennyson, Bismarck, Milton, Shakespeare, Luther, Bunyan, Wellington, Pitt, Socrates, Napoleon, Darwin, Dickens, and a host of others, were temperate, but not total abstainers.

Webster, Hawthorne, and Clay were never total abstainers.

Washington and Jefferson owned distilleries, and Lincoln ran a tavern in Salem at one time during his career.

RUSSIA AND PROHIBITION.

The Montgomery, Ala., Advertiser, in its issue of February 8, 1915, has the following to say of prohibition in Russia:

"Russia's imperial decree, issued six months ago, ordering prohibition of the sale and manufacture of vodka in that Empire, presents one of the most interesting experiments yet tried in man's long conflict with intemperance. It is not just to say that prohibition has been either a full success or a complete failure in Russia; it has not entirely banished intemperance, and it may have conferred some benefits.

The reports from Petrograd show that no less than 1,800 moonshine vodka stills have been located by Russian officers in the past six months. In addition the ways and means committee of the Russian Duma has found it necessary to adopt radical means for replacing the revenue once drawn by the Government from the sale of vodka. These means involve the Government assuming a monopoly on tea, tobacco, oil, matches, and insurance of every kind. This means that the Government will assume complete charge of these commodities, their manufacture, and sale; it means that men now engaged in the business of dealing in these commodities will be forced to retire. Employees in such business, however, in many instances, will find jobs with the Government. Such a measure as is proposed by the Russian Duma would not be tolerated in America. This brings up the interesting fact that prohibition is being tried under the most favorable auspices in Russia. The country is a rank autocracy. There are no hereditary rights of liberty, such as the people of America believe in, that the rulers of Russia are bound to respect.

"An imperial decree is all that is needed to make a law. Again, the Government of Russia had a monopoly of the manufacture and sale of vodka. There was nobody else in the business in Russia. The Russian Government, the sole proprietor of the business, announced to the people that vodka was bad for them and they should not have it in the future, and it announced that as a sole participant in the business, it was going out of business.

"The Russian experiment, it can not be denied, had some effect on public sentiment in America. The organized publicity forces of the Anti-Saloon League used the Russian experiment, more or less effectively for its effect on American sentiment. Thinking people, of course, realized that the imperial decree was but another experiment under new conditions, in dealing with the question of alcohol. The published claims that prohibition has worked a revolution among the lives of the people of Russia are as ridiculous as would be claims that it was a rank failure. The final verdict on it has not and can not yet be written.

"In the meanwhile, it is well for the world at large to get a whole and not one-sided view of the question. The other side is presented in the statement from official sources that no less than 1,800 moonshine-vodka stills have been discovered and that the Russian Government has been forced to adopt the radical policy of assuming charge of a large part of the commerce of the country.

"In the meanwhile, there is one real out-and-out-prohibition nation engaged in the European war. That nation is Turkey."

LIQUOR BUSINESS AND TAXES.

The liquor business has resisted all the assaults against it, not because of a few people who desire to sell liquor, but because of the millions of the American public who desire to use liquors.

Remember that the United States Government and the government of every individual State in the Union is in partnership with the liquor business. The United States demands and accepts a percentage of the profits, but contributes nothing to the investment and pays no part of the expenses of the business.

The liquor industry is the fifth largest industry in the Nation, paying over a quarter of a billion of dollars taxes annually, which amount is over one-third of the total income of the United States Government. These taxes paid the bulk of the pensions resulting from the Civil War. These same taxes helped build the Panama Canal; helped build our Navy and Army, and are instrumental in all the vast workings of the National Government.

The prohibitionist does not offer a substitute for the loss of this vast sum. Where will the deficit be made up?

Who will have to make it up?

Prohibition would destroy investments, properties, and good will—amounting to billions without compensating the owner. Prohibition would rob the Government of over one-third its income without making up the deficit that will follow.

10,000 MOONSHINE STILLS BROKEN UP.

During the last four years there have been detected and seized approximately 10,000 illicit distilleries in eight of our Southern States. During the same period in all the other States of the Union there have been detected and seized but 62 illicit distilleries, says the Internal Revenue Review.

The internal-revenue statistics show that the number of legal distilleries, viz, those who qualify and operate in strict conformity with the Government law and regulations, has never exceeded 1,000 in any given year. In other words, there are detected every year more than twice as many illicit distilleries as there are legal distilleries, and these illegal distilleries are confined to States where prohibition obtains almost totally.

The figures given do not, of course, represent the full number of illicit distilleries in operation throughout the country. They simply mean the illicit distilleries which have been detected and seized by Government officers.

The following figures have been compiled from the annual reports of the commissioners of internal revenue, and show just how "moonshining" or illicit distillation of liquor is increasing, notwithstanding our drastic laws and regulations. These figures prove beyond a question that the Government is not able to meet conditions which are complained of by those of our people who are opposed to the manufacture and sale of intoxicating liquors. And as further evidence of the increase of "moonshining" we quote the following statistics, taken from the reports of the commissioners, showing the increase in seizure of illicit stills from the year 1885 to the present time:

1885-----	245	1901-----	1,315
1886-----	564	1902-----	1,094
1887-----	456	1903-----	1,388
1888-----	518	1904-----	1,018
1889-----	466	1905-----	1,053
1890-----	583	1906-----	1,376
1891-----	795	1907-----	1,139
1892-----	852	1908-----	1,130
1893-----	806	1909-----	1,743
1894-----	1,016	1910-----	1,911
1895-----	1,874	1911-----	2,471
1896-----	1,905	1912-----	2,466
1897-----	2,273	1913-----	2,375
1898-----	2,391	1914-----	2,677
1899-----	2,190	1915-----	3,832
1900-----	1,955		

The statistics which we herein present are authentic and show beyond the shadow of a doubt that the Government is unable to control the illicit production of intoxicating beverages. It proves, too, that the deeper we go into prohibitory regulation the greater the violation of the law. Looking at it from a purely taxable basis, we know that if the Government can not suppress "moonshining" in sparsely populated States, it can not enforce a national prohibitive law.

DRY LAWS ROBBED OF THEIR TERROR.

"Why worry about prohibition?" was asked by a well-known official to-day as he left the Department of Agriculture, after a cursory examination of the patent medicine exhibits in the Bureau of Chemistry. Here are some of the patent medicines and the amount of alcohol contained in each, according to labels in possession of the Department of Agriculture:

	Per cent.
Hamlin's Wizard Oil-----	65
Hall's Great Discovery-----	43
Hankin's Remedy-----	22
Paine's Celery Compound-----	20
Wine of Cardui-----	20

	Per cent.
Peruna.....	18
Lydia E. Pinkham's Vegetable Compound.....	18
Rexall's Rheumatism Remedy.....	18
Electric Brand Bitters.....	18
Buchu Juniper Compound.....	16
—New York Tribune.	

PATENT MEDICINES SELL WELL IN "DRY" TERRITORY—TONICS AND BITTERS.

[From report of Massachusetts State Board of Health, 1902.]

The following were examined for the purpose of ascertaining the percentage of alcohol in each. Some of them have been recommended as temperance drinks:

	Per cent of alcohol (by volume).
"Best" Tonic.....	7.6
Carter's Physical Extract.....	22.0
Hooker's Wigwam Tonic.....	20.7
Hoofland's German Tonic.....	29.3
Hop Tonic.....	7.0
Howe's Arabian Tonic, "not a rum drink".....	13.2
Jackson's Golden Seal Tonic.....	19.6
Liebig Co.'s Coca Beef Tonic.....	23.2
Mensman's Peptonized Beef Tonic.....	16.5
Parker's Tonic, "purely vegetable," recommended for inebriates.....	41.6
Schenk's Sea Weed Tonic, "entirely harmless".....	19.5
Atwood's Quinine Tonic Bitters.....	29.2
L. T. Atwood's Jaundice Bitters.....	22.3
Moses Atwood's Jaundice Bitters.....	17.1
Baxter's Mandrake Bitters.....	16.5
Boker's Stomach Bitters.....	42.6
Brown's Iron Bitters.....	19.7
Burdock Blood Bitters.....	25.2
Carter's Scotch Bitters.....	17.6
Colton's Bitters.....	27.1
Copp's White Mountain Bitters, "not an alcoholic beverage".....	6.0
Drake's Plantation Bitters.....	33.2
Flint's Quaker Bitters.....	21.4
Goodhue's Bitters.....	16.1
Greene's Nervura.....	17.2
Hartshorn's Bitter's.....	22.2
Hooflander's German Bitters, "entirely vegetable and free from alcoholic stimulant".....	25.6
Hop Bitters.....	12.0
Hostetter's Stomach Bitters.....	44.3
Kaufman's Sulphur Bitters, "contains no alcohol" (as a matter of fact, it contains 20.5 per cent of alcohol and no sulphur).....	20.5
Kingsley's Iron Tonic.....	14.9
Langley's Bitters.....	18.1
Liverpool's Mexican Tonic Bitters.....	22.4
Paine's Celery Compound.....	21.4
Pierce's Indian Restorative Bitters.....	6.1
Puritana.....	22.0
Z. Porter's Stomach Bitters.....	27.9
Pulmonine.....	16.0
Rush's Bitters.....	35.0
Richardson's Concentrated Sherry Wine Bitters.....	47.5
Secor's Conshona Bitters.....	13.1
Shonyo's German Bitters.....	21.5
Job Sweet's Strengthening Bitters.....	29.0
Thurston's Old Continental Bitters.....	11.4
Warner's Vinegar Bitters, "contains no spirit".....	6.1
Warner's Safe Tonic Bitters.....	35.7
Warren's Billous Bitters.....	21.5

	Per cent of alcohol (by volume).
Wheeler's Tonic Sherry Wine Bitters.....	18.8
Wheat Bitters.....	13.6
Faith Whitcomb's Nerve Bitters.....	20.3
Dr. William's Vegetable Jaundice Bitters.....	18.5
Whiskol, "a nonintoxicating stimulant, whisky without its sting".....	28.2
Golden Liquid Beef Tonic, "recommended for treatment of alcoholic habit".....	26.5
Ayer's Sarsaparilla.....	26.2
Thayer's Compound Extract of Sarsaparilla.....	21.5
Hood's Sarsaparilla.....	18.8
Allen's Sarsaparilla.....	13.5
Dana's Sarsaparilla.....	13.5
Brown's Sarsaparilla.....	13.5
Corbett's Shaker Sarsaparilla.....	8.8
Radway's Resolvent.....	7.9

The dose recommended upon the labels of the foregoing preparations varied from a teaspoonful to a wineglassful, and the frequency also varied from one to four times a day, "increased as needed."

Also the following medicines for alcohol:

Hoff's Extract of Malt and Iron.....	5.24
Peruna.....	28.59
Vinol, Wine of Cod Liver Oil.....	18.88
Lydia Pinkham's Vegetable Compound.....	20.61
Dr. Killmer's Swamp Root.....	7.32
Dr. Peter's Kuriko.....	14.00

These are the favorite substitutes in "dry" territory.

How do they compare with beer, wine and whisky?

Mr. CROSSER. Now, we have already agreed to hear any other persons who are favoring the bill. If they want to be heard, now is the time, and I presume the last time.

Mr. DOOLING. Mr. Focht, what about your colored people?

Mr. FOCHT. I do not know what I will do about that. I will have to report up at Chambersburg that they failed to attend. They were very anxious to be heard for their people, they said.

Mr. DOOLING. We will vouch for your interest in the colored bishop.

Mr. LAMKINS. These other men are not here, and if I have to speak, why—

Mr. FOCHT. Come right forward. We want to hear you.

Mr. CROSSER. Come forward and give the stenographer your name.

STATEMENT OF REV. STEVEN G. LAMKINS.

Mr. FOCHT. Where do you preach?

Mr. LAMKINS. I am pastor of the McKinley Memorial, at Fourth and F Streets NW. May I be permitted to make just a little personal statement, taking three or four minutes?

Mr. CROSSER. Go right ahead.

Mr. LAMKINS. I would say that I have not taken a drop of alcoholic liquor of any kind in over 20 years, but some of my personal friends are members of the saloon, and some gentlemen for whom I have a very high personal regard; but I can not allow my personal feeling for them to close my mouth here at this time. I must say, therefore, that I am in favor of the bill.

Mr. TINKHAM. Without a referendum?

Mr. LAMKINS. Yes; I am in favor of it without the referendum, for the reason that you are here as guardians of our people, that is of the people generally, of the District of Columbia, and I am in favor of saving our people from themselves. If you allow them to frequent the saloons, as I see them frequenting them, without any discrimination and without any reserve, the young men, idlers, loafing around the saloons and drinking the cursed stuff, it is enough to make your heart ache. And the pastors of the city have tried their best to persuade them away, but the inducements on cold nights to stand around the fire with 5 cents, and drink the stuff, to loaf and talk, and spend what little change they can get and to be treated by others, has become a curse to our people—to my people—and the referendum would simply postpone the issue. It is simply to agitate and confuse a question that is already confusing the minds of many of the good people of the city. I said the other day that I believed you had made up your minds, and that was the reason why I did not care to take up any time. I believe that this committee, without any reserve, upon your honor, for moral reasons, for social reasons, and, above all, because the spirit of God, I believe, is in some of your hearts; and surely if the spirit of God is not in your hearts you have been touched by the cry of almost half of the people of my race, mothers and fathers, many of whom are church-going people, who have prayed to God that this stuff might be wiped out; and they, I believe, are touching—their spirits are touching—some of your hearts. And there are many of those who feel as I told you, that they are our personal friends, many of them, who have done good for our people. Mr. Barr and others here who have done good for our people, who have helped them in distress, who have helped me to help the poor people, and that I would do anything for personally, for him and many others who are on the other side of this question; and I would to God that there was some way out that I could not take this position and yet be true to myself and true to my people and true to my church and true to my God, but there is no way for me to face God with a clear conscience when I am forced to come out and take up a position on this question, except to say, "Give us the dry bill." Allow the bill to be passed, in the interest of our people, that they may be saved from themselves, saved from the grave and the curse, where many of them have been dragged down.

Gentlemen, I have not a prepared speech. I simply express my sentiments upon this question, and feeling sure that there is nothing else for you to do as honorable men but to report the bill without referendum; and this gentleman who has just taken his seat, if I understand anything about referendum, has the right position on this question, that there must be some legislation, and the bill referred. When there is dissatisfaction, then the question is again referred to the people for their decision. That is a referendum. This is no referendum, as the gentleman just said, and there is no question that such an argument does not convince anybody, and simply kills and takes up time without any proper chance of doing anything for anybody except to delay and take time.

Mr. TINKHAM. I want to ask you a question. Have you ever been able to find any admonition for prohibition in the Bible?

Mr. LAMKINS. How is that?

Mr. TINKHAM. Have you ever been able to find any admonition in regard to prohibition in the Bible?

Mr. LAMKINS. It says, "Handle not, taste not, the unclean things." And, in my opinion, according to my exegesis and best interpretation, that means prohibition. And it says, "Look not upon the wine when it is red within the cup."

Mr. CROSSER. Does anyone else wish to be heard in favor of the bill? If not, what is the pleasure of the committee?

Mr. CARY. I will say there are a great many people even whom we have wired to come here, on the other side.

Mr. MAPES. Whom did we wire who has not been heard?

Mr. CARY. There are several labor men here.

Mr. MAPES. Where from?

Mr. CARY. New York. They were to be heard.

Mr. MAPES. Did the committee say so?

Mr. CARY. Yes.

Mr. DOOLING. I move we adjourn.

Mr. BURKE. I move that he be heard for 10 minutes, in the absence of any on the dry side.

Mr. DOOLING. I think we had better adjourn. It is 12 o'clock.

Mr. CROSSER. The gentleman from New York, Mr. Dooling, moves that we adjourn. What is the pleasure of the committee?

Mr. FOCHT. Mr. Dooling says that he will yield his motion.

Mr. DOOLING. I will yield it if it is the pleasure of the committee.

Mr. FOCHT. I would like to agree with you, but as the chairman says, this day was set aside, and I am sorry to say that I find that some of the people, who have had abundant opportunity to be heard on this question, are complaining now that they have not had a chance, and I think we ought to give them everything that we said we would—that is, whether they are opposing this bill or favoring it.

Mr. BURKE. We have.

Mr. FOCHT. Therefore, I think we ought to keep it open until 2 o'clock if we possibly can, even so that that complaint can not be raised against this committee; because we have come up here every morning early, and have given up the better part of the day to the discussion of this question, and, having told them that they should have the last day, I think, Mr. Chairman, we ought to do it, and keep that contract.

Mr. MAPES. Is there anybody complaining because he can not be heard?

Mr. FOCHT. Yes; I have heard that complaint. The paid attorney for the prohibitionists of the town has complained that they did not have a chance; and he complained to me.

Mr. DOOLING. Are they here now?

Mr. FOCHT. I do not know where he is, but I want to give them an opportunity.

Mr. LAMKINS. Several of our pastors have been here several days to speak, and they have not had an opportunity to speak. I can get in touch with them before 2 o'clock.

Mr. FOCHT. You have done so very well, and you have covered the ground, and satisfied my constituents at Chambersburg, and I shall so report.

Mr. CROSSER. What is the pleasure of the committee?

Mr. DOOLING. Who else wants to be heard?

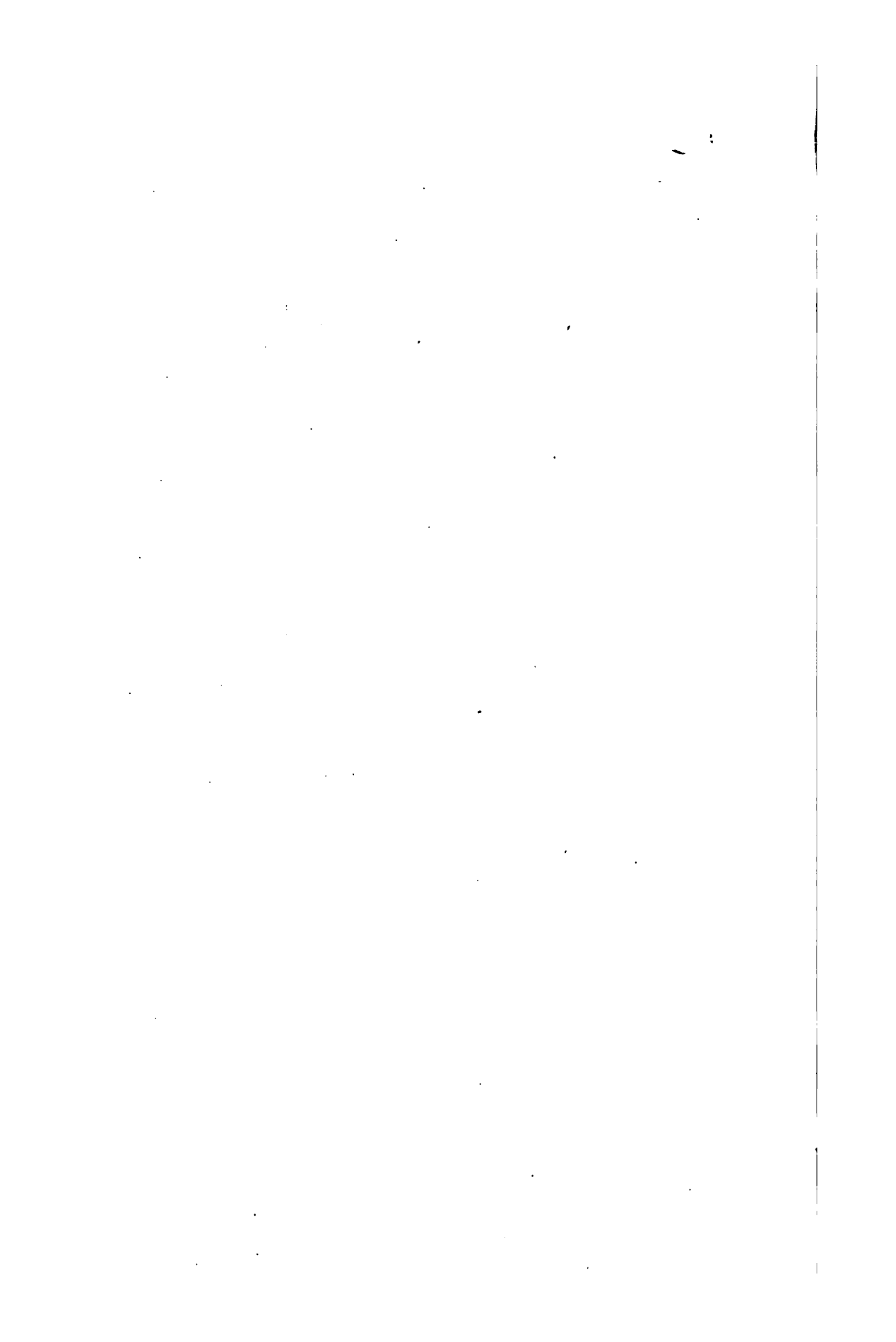
(Thereupon, at 12.15 o'clock p. m., the hearings were closed and the committee took a recess until 2 o'clock p. m.)

At 3.30 o'clock, the committee being in executive session, Mr. Focht moved that the chairman of the committee be directed to report this bill (S. 1082) to the House at 12 o'clock m. on next Tuesday, February 27, 1917, without recommendations, unless in the meantime the committee direct a recommendation, regardless of what shape the bill may be in at that time, and that this action be irrevocable, and that the Chair not entertain any motion to undo this: *Provided, however,* That the committee may direct the chairman to report the bill before said time.

Said motion was adopted by the committee.

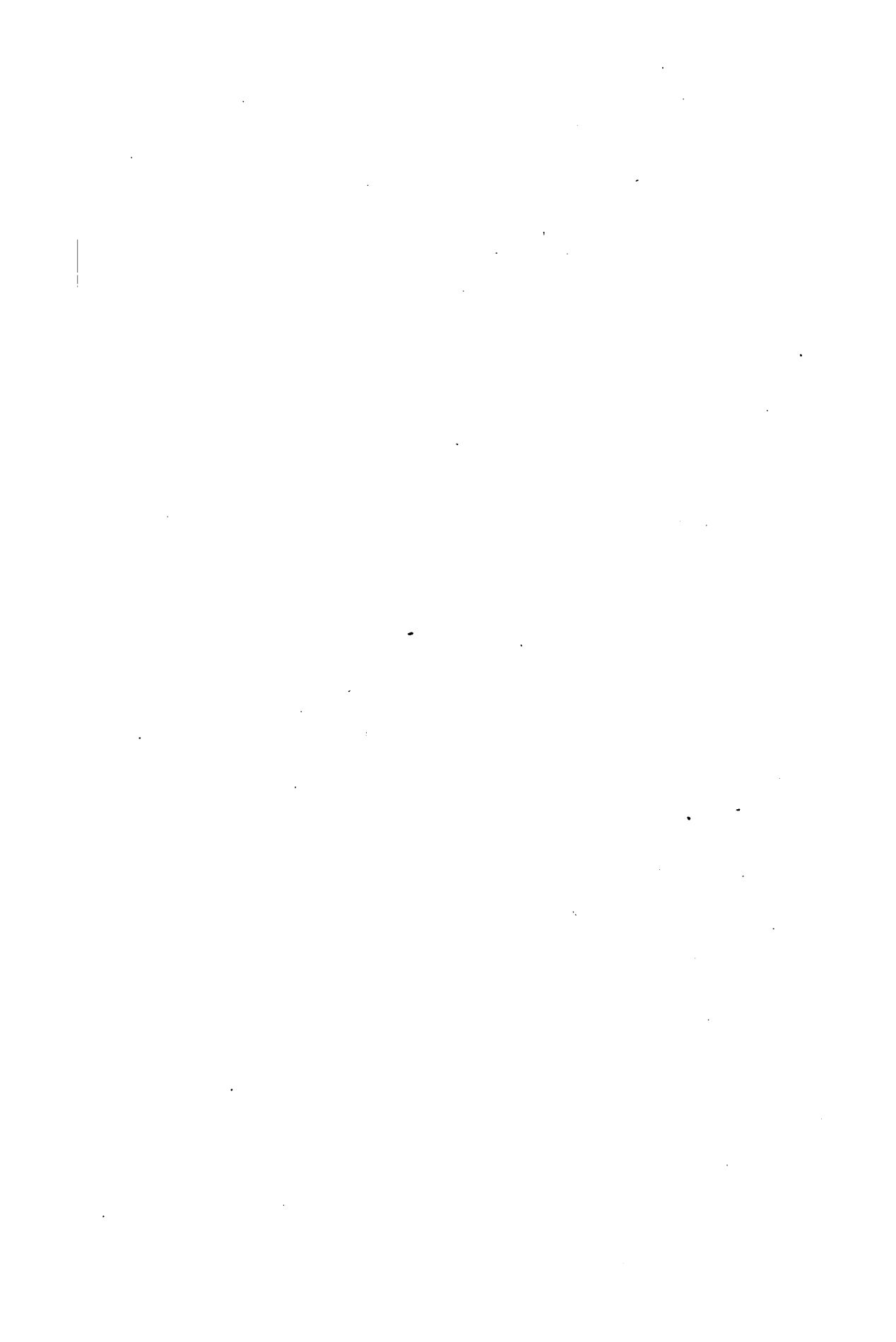
Thereupon, the chairman of the committee, in accordance with the request of the members of the committee present, telephoned to the chairman of the Committee on Rules and advised him of the action which had been taken by the Committee on the District of Columbia.

(The chairman announced that the hearings on this bill were closed.)



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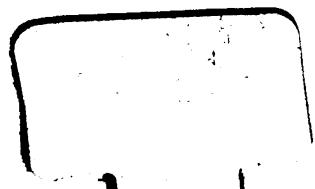
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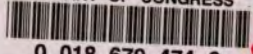
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